

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eightieth Session  
March 28, 2019**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 12:35 p.m. on Thursday, March 28, 2019, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Daniele Monroe-Moreno, Chair  
Assemblyman Steve Yeager, Vice Chair  
Assemblywoman Shea Backus  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblyman John Ellison  
Assemblyman Glen Leavitt  
Assemblywoman Rochelle T. Nguyen  
Assemblyman Tom Roberts  
Assemblyman Greg Smith  
Assemblyman Howard Watts  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Richard Carrillo (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Jill Tolles, Assembly District No. 25  
Assemblyman Tyrone Thompson, Assembly District No. 17  
Assemblyman Howard Watts, Assembly District No. 15



**STAFF MEMBERS PRESENT:**

Michelle L. Van Geel, Committee Policy Analyst  
Jessica Dummer, Committee Counsel  
Lori McCleary, Committee Secretary  
Alejandra Medina, Committee Assistant

**OTHERS PRESENT:**

Mike E. Kelly, Chair, Nevada Democratic Veterans and Military Families Corps  
Caucus  
David Dazlich, Director, Government Affairs, Las Vegas Metro Chamber of  
Commerce  
Mitchell Roach, representing United Veterans Legislative Council  
Gabrielle d'Ayr, Private Citizen, Las Vegas, Nevada  
Elisa Cafferata, Private Citizen, Reno, Nevada  
Caryll Batt Dziedziak, Assistant Director, Women's Research Institute of Nevada,  
University of Nevada, Las Vegas  
Marty Elzy, Management Analyst, Division of Central Services and Records,  
Department of Motor Vehicles  
Scott Pearson, Judge, Reno Justice Court  
Beau Kilmer, Co-Director, RAND Drug Policy Research Center, RAND Corporation  
Scott Swain, Law Enforcement Liaison, Office of Traffic Safety, Department of  
Public Safety  
Illona Mager, Private Citizen, Sparks, Nevada  
Justin Roper, Sergeant, Alternative Sentencing, Washoe County  
Victoria Hauan, Impaired Driving Program Manager, Office of Traffic Safety,  
Department of Public Safety  
Jude Hurin, Administrator, Management Services and Programs, Department of  
Motor Vehicles  
Taisacan Hall, Private Citizen, Las Vegas, Nevada  
Arash Ghafoori, Executive Director, Nevada Partnership for Homeless Youth  
April Sanborn, Services Manager III, Management Services and Programs,  
Department of Motor Vehicles  
Emily Paulsen, Executive Director, Nevada Homeless Alliance  
Fuilala Riley, President/CEO, HELP of Southern Nevada  
Karen Gordon, State Coordinator, Nevada Homeless Education Program, Office of  
Student and School Supports, Department of Education  
David Boire, Policy Intern, Children's Advocacy Alliance  
Thomas Martin, Management Analyst, Division of Management Services and  
Programs, Department of Motor Vehicles  
Jaron S. Hildebrand, Manager, Government Affairs, Nevada Trucking Association  
Alysia Peters, representing Tesla, Inc.  
Jessica Ferrato, representing Advanced Energy Economy

Dylan Sullivan, Senior Scientist, Energy and Transportation Program, Natural Resources Defense Council  
Kyle J. Davis, representing Nevada Conservation League  
Tom Polikalas, Nevada Representative, Southwest Energy Efficiency Project  
Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association  
Dawn Lietz, Administrator, Motor Carrier Division, Department of Motor Vehicles  
Charlene Albee, Division Director, Air Quality Management, Washoe County Health District

**Chair Monroe-Moreno:**

[Roll was called. Committee rules and protocol were explained.] Before we get started with anything else, I would like to welcome the newest member to our Committee, Assemblyman Smith. We will start with the work session on Assembly Bill 54.

**Assembly Bill 54: Repeals certain provisions relating to energy efficiency. (BDR 58-327)**

**Michelle L. Van Geel, Committee Policy Analyst:**

Assembly Bill 54 was heard in this Committee on March 19, 2019, and sponsored by this Committee on behalf of the Office of Energy in the Office of the Governor ([Exhibit C](#)). The bill repeals obsolete provisions relating to the reduction of grid-based energy purchases for state-owned buildings and the energy efficiency of general purpose lights sold in this state.

There is an attached amendment [page 2, ([Exhibit C](#))] that was offered by the Governor's Office of Energy which proposes to retain *Nevada Revised Statutes* 701.260 and amend it to update the minimum standard of energy efficiency for certain lights sold in this state and change certain terminology relating to such lights, including the definition of lights to which the minimum standard of energy efficiency applies. The amendment provides the standards apply to new products sold or installed beginning in 2020.

**Chair Monroe-Moreno:**

I will entertain a motion to amend and do pass Assembly Bill 54.

ASSEMBLYMAN WATTS MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 54.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN CARRILLO WAS ABSENT  
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Watts. The next bill on work session is Assembly Bill 98.

**Assembly Bill 98: Revises provisions relating to the convention center to be planned, constructed and operated by the Tahoe-Douglas Visitor's Authority. (BDR S-440)**

**Michelle L. Van Geel, Committee Policy Analyst:**

Assembly Bill 98 was heard in this Committee on February 19, 2019 ([Exhibit D](#)). The bill revises the Tahoe-Douglas Visitor's Authority Act to clarify that the convention center may be used for other events in addition to conventions. There were no amendments to this measure.

**Chair Monroe-Moreno:**

I will entertain a motion to do pass Assembly Bill 98.

ASSEMBLYWOMAN BILBRAY-AXELROD MADE A MOTION TO DO PASS ASSEMBLY BILL 98.

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN CARRILLO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Wheeler. The next bill on work session is Assembly Bill 177.

**Assembly Bill 177: Revises provisions governing short-term lessors of vehicles. (BDR 43-88)**

**Michelle L. Van Geel, Committee Policy Analyst:**

Assembly Bill 177 was heard in this Committee on March 19, 2019, and sponsored by Assemblyman Yeager ([Exhibit E](#)). The bill requires the Department of Motor Vehicles (DMV) to establish a program to allow for the electronic registration and renewal of registration of certain fleets of vehicles owned by short-term lessors. The bill also allows certificates of registration and license plate decals for these vehicles to be valid without replacement in certain circumstances.

There is an amendment attached [page 2, ([Exhibit E](#))] that removes provisions in the bill that would have required the DMV to establish an electronic registration and renewal of registration system for certain fleet vehicles. It also changes the effective date for adopting regulations from not later than July 1, 2020, to not later than January 1, 2021, and the effective date when the DMV may accept registrations from a short-term lessor that has fewer than 200 vehicles from January 1, 2021, to July 1, 2021. Finally, the amendment

changes the overall effective date of the bill from July 1, 2020, to January 1, 2021. This amendment was proposed by Matthew Walker on behalf of Enterprise Rent-A-Car. Staff from the DMV testified that adoption of this amendment will remove the fiscal note associated with this bill.

**Chair Monroe-Moreno:**

I will entertain a motion to amend and do pass Assembly Bill 177.

ASSEMBLYWOMAN BILBRAY-AXELROD MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 177.

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN CARRILLO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Yeager. The next bill on work session is Assembly Bill 193.

**Assembly Bill 193: Revises provisions governing driver authorization cards. (BDR 43-896)**

**Michelle L. Van Geel, Committee Policy Analyst:**

Assembly Bill 193 was heard in this Committee on March 5, 2019, and sponsored by Assemblyman Flores ([Exhibit F](#)). The bill changes the expiration requirements of a driver authorization card to make such expiration requirements the same as those for a driver's license. One amendment was offered by Assemblyman Flores to change the effective date from July 1, 2019, to April 1, 2020.

**Chair Monroe-Moreno:**

I will entertain a motion to amend and do pass Assembly Bill 193.

ASSEMBLYWOMAN NGUYEN MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 193.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, LEAVITT, ROBERTS, AND WHEELER VOTED NO. ASSEMBLYMAN CARRILLO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Flores. The last bill on work session is Assembly Bill 231.

**Assembly Bill 231: Revises provisions governing automobile emissions. (BDR 40-836)**

**Michelle L. Van Geel, Committee Policy Analyst:**

Assembly Bill 231 was heard in this Committee on March 19, 2019, and sponsored by Assemblyman Carrillo ([Exhibit G](#)). The bill makes various changes to provisions governing automobile emissions. The bill requires wireless testing devices to be used to conduct emissions tests; requires a station licensed to conduct emissions tests to provide certain information to the owner concerning the safety of his or her motor vehicle; requires that wireless testing devices used to conduct emissions tests comply with certain standards; provides that emissions tests are required only on motor vehicles built during or after 1996; establishes the maximum number of stations that are licensed to conduct emissions tests in this state; and provides an exception to the requirement for emissions testing for certain transfers of used motor vehicles.

There is an attached amendment [page 2, ([Exhibit G](#))] provided by Assemblyman Carrillo that deletes sections 1 through 10 and 13 through 15 of the bill. The remaining sections allow for the transfer of a registration from a vehicle dealer or new vehicle dealer to a person who buys or exchanges an interest in a motor vehicle without evidence of compliance certifying the vehicle is equipped with devices for the control of pollution if such compliance evidence has been issued within 180 days before the transfer. The amendment also changes the effective date to October 1, 2019.

Finally, staff from the Department of Motor Vehicles testified that adoption of this amendment will remove the fiscal note associated with the bill.

**Chair Monroe-Moreno:**

I will entertain a motion to amend and do pass Assembly Bill 231.

ASSEMBLYWOMAN BACKUS MADE A MOTION TO AMEND AND  
DO PASS ASSEMBLY BILL 231.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN CARRILLO WAS ABSENT  
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Carrillo. I will open the hearing for Assembly Bill 306.

**Assembly Bill 306: Enacts provisions to assist veteran-owned businesses to create cooperatives. (BDR 7-288)**

**Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:**

I am here to present Assembly Bill 306, which assists veteran-owned businesses to create cooperatives. I am joined by Mr. Kelly in Las Vegas who will be offering testimony as well.

A cooperative is an association of persons who are united to meet a common goal through a jointly owned and democratically controlled organization. By working together through a variety of national, state, and local structures, cooperatives strive to improve services, strengthen economies, and deal more effectively with community needs. *Nevada Revised Statutes* Chapter 81 provides various types of cooperative entities.

Nationally, veterans are valuable candidates for cooperatives. Veterans are mission-driven, disciplined, and used to working irregular schedules. They are highly trained individuals in areas of analytics, information management, computers, and cybersecurity, and they are highly adaptable to learning new concepts.

In turn, cooperatives are good organizations that allow veterans to excel, as the structures are based on loyalty, reliability, teamwork, safety, accountability, and care for the community—all things veterans learn while in the military.

Assembly Bill 306 helps to honor and support our veterans who live in local communities. The measure assists veteran-owned businesses to create cooperatives, it reinforces cooperative support and involvement with local veteran communities, and it attracts cooperatives to hire and retain veterans as valuable members of the organization. I will turn it over to Mr. Kelly for testimony, and then I will tell you exactly what the bill does.

**Mike E. Kelly, Chair, Nevada Democratic Veterans and Military Families Corps Caucus:**

We emphatically support Assembly Bill 306, and we thank Assemblywoman Bilbray-Axelrod for proposing this legislation. We talk a lot about veteran suicides. One of the things we do not really discuss are the causes. One of the causes is veterans' inability to engage in business. They do not have the opportunity to have jobs. This is an opportunity for veterans to open independent functioning jobs where they can utilize the skills they have learned on active duty in order to continue to benefit the community.

Just recently in the *VFW Magazine* [Veterans of Foreign Wars], there has been a push to increase the number of veteran businesses in the United States. There is a company called Black Rifle Coffee Company. It is a company built from scratch, owned by veterans, and a few years ago went from being a very small company to a \$30-million company with a goal to expand to hiring veterans and building veteran businesses. In fact, by the year 2024, their goal is to hire and employ at least 10,000 new veterans.

This is the type of legislation that we need. Nevada really needs to get on the forefront of this. This is a wonderful opportunity to employ veterans. This is a wonderful opportunity to continue to make Nevada a stronger, veteran-friendly state. We absolutely support this legislation and will do everything we can to ensure its passage and its success.

**Assemblywoman Bilbray-Axelrod:**

I will briefly discuss what the bill does. Assembly Bill 306 authorizes an entity to include the words "veteran-owned cooperative" in its name under two circumstances: if at least 51 percent of the directors of the cooperative are veterans; or if at least 51 percent of the members of the cooperative are veterans. The measure provides that when a cooperative has the words "veteran-owned cooperative" in its name, it has the same rights as any other entity or business formed in Nevada, including the right to submit a bid on a public project or apply for a license and certification. I would be happy to answer any questions.

[Assemblyman Yeager assumed the Chair.]

**Vice Chair Yeager:**

Are there any questions from the Committee? [There were none.] I will open the hearing for testimony in support of Assembly Bill 306 for those in Carson City and Las Vegas.

**David Dazlich, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:**

We are here today in strong support of this bill. We believe it is a good, proveteran, probusiness, commonsense bill, and we strongly urge your support.

**Mitchell Roach, representing United Veterans Legislative Council:**

We are in full support of this bill.

**Gabrielle d'Ayr, Private Citizen, Las Vegas, Nevada:**

I am a United States Navy veteran, and I am here in support of this bill. I would like to thank Assemblywoman Bilbray-Axelrod for bringing it forward, and Mr. Kelly for supporting Las Vegas veterans. We do have to stick together. Some of you may know that I have testified in support of our public spaces and our wild spaces that are critical to the rehabilitation of veterans, but we also need to have jobs. That is important too. While any job is valuable, not all of them allow us to pay our bills. The experiences and skillsets we received in the military are definitely transferrable, but the commercial market does not always see it that way.

I am a certified risk manager, project manager, program manager, and business manager. The last budget I managed was \$13 billion, but I cannot get a job and I am currently homeless and unemployed. This bill would allow me to change that. This bill would allow me to work with other veterans who have skillsets that far exceed minimum wage jobs and allow us to better serve ourselves, our families, and our communities. I urge all of you to please support this bill to help us out.



**Vice Chair Yeager:**

Is there any further testimony in support of the bill? [There was none.] Is there anyone present who would like to testify in opposition? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any closing remarks from the sponsor?

**Assemblywoman Bilbray-Axelrod:**

I urge your support of Assembly Bill 306, which assists veteran-owned businesses create cooperatives. That concludes my presentation.

**Vice Chair Yeager:**

I will close the hearing on Assembly Bill 306. I will open the hearing on Assembly Bill 468.

**Assembly Bill 468: Provides for a special license plate of limited duration commemorating the 100th anniversary of women's suffrage. (BDR 43-1124)**

**Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:**

I am here to present Assembly Bill 468, which provides a special license plate to commemorate the 100th anniversary of women's suffrage. Before I get into the bill itself, I would like to provide a brief background.

As we sit here today, I am a proud member of the first state Legislature in the history of the United States to have a female majority. It is important to remember that just 100 years ago, most women in the United States did not have the right to vote. While 15 states enacted women's suffrage in the 1890s and early 1900s, including Nevada in 1914, the vast majority of women in America were unable to vote in any election until after 1920, when the Nineteenth Amendment to the *United States Constitution* took effect. It was a hard-fought achievement and a decades-long struggle. Many cite the Seneca Falls Convention of 1848 as the beginning of the organized, national campaign for women's suffrage.

More than 70 years later, in 1919, the U.S. Congress passed a constitutional amendment granting women the right to vote. Of course the proposed amendment then had to be ratified by three-quarters of the states. This threshold was reached in August 1920, when Tennessee became the thirty-sixth state out of 48 to approve the proposal.

Here in Nevada, legislators ratified the Nineteenth Amendment during a special session held for that purpose in February 1920. In a departure from standard chamber procedures, Assemblywoman Sadie Hurst of Washoe County, the first woman to be elected in the Nevada Legislature just two years earlier, introduced the ratification measure and presided over the Assembly's vote. Less than three months after the Nineteenth Amendment went into effect, women across the United States cast their votes in national elections for the very first time.

Assembly Bill 468 offers the opportunity for Nevadans to recognize this immense turning point in U.S. politics and the hard work of women and men who made this happen. In sum, it directs the Department of Motor Vehicles (DMV) to design, prepare, and issue a specialized licensed plate commemorating the 100th anniversary of women's suffrage in the United States. The initial issuance of these plates would cost \$60, plus the standard fee and taxes. Of that amount, \$25 would go to the Nevada Commission for Women. For renewal, the cost would be \$30, \$20 of which would go to the Commission.

As you are probably aware, the Nevada Commission for Women is a 10-member body appointed by the Governor and created with the goal of advancing women toward full equality in all areas. One of the reasons we decided to bring this bill is because we found out in the Assembly Committee on Government Affairs that while the Nevada Commission for Women is active again, it is not funded. We are trying to find a funding source and this seemed like a good vehicle.

The Nevada Commission for Women studies the changing and developing roles for women in society; provides information on programs and services to women in Nevada; facilitates collaboration among women organizations at the local, state, and national level; and recognizes and promotes the contributions of Nevada women.

The DMV would start accepting applications for these plates in July 2019. As you can see in section 1, subsection 8, paragraph (b), the special plates would be limited by date. The final date of issuance would be December 31, 2020, or earlier as determined by the DMV. I should note that sections 6 through 8 exempt these plates from certain statutory requirements regarding recommendations for DMV approval to the Commission on Special License Plates, overall limits on separate designs of specialty license plates, and the application threshold that must be reached before issuance.

There are many provisions in Assembly Bill 468. The remainder of the bill just involves conforming changes. The bill celebrates a critical event in our nation's history and, perhaps more importantly, helps to support an organization working hard to ensure the progress of women in Nevada to move forward. I would be happy to answer any questions.

**Vice Chair Yeager:**

Are there any questions from the Committee? [There were none.] I will open the hearing for any testimony in support of Assembly Bill 468 in both Carson City and Las Vegas.

**Elisa Cafferata, Private Citizen, Reno, Nevada:**

I am here to testify as a private citizen. I am a member of the Nevada Commission for Women. This bill came out so recently that we have not had a chance as a commission to take a position. I am here to talk about my own personal experience. I was honored when the Governor appointed me to the commission. When I got on this particular commission, I learned I am a volunteer in every sense of the word. We do not even get the minimal pay that other commissions get for serving, even though we try to travel at least once a year for strategic planning. We are dedicating our time to work on projects for the commission.

These plates would address one of the issues, which is that we have had to raise the money ourselves for any project that we have wanted to do. We are happy to do that for specific projects, but for the day-to-day work that we are trying to do together, it would be great to have a minimal funding source. Our operating budget last year was \$440. Making copies at meetings was about the extent of what we could do. The budget going forward has about \$1,400, which would not even allow us to meet once a year for a strategic planning session.

One of things we have raised money for is the exhibit at the Capitol in the breezeway. I hope many of you have had the chance to see that. It is a permanent record of our female majority legislature, along with the contributions of women in the history of Nevada. We are now raising the money to extend that exhibit and put it at the Grant Sawyer State Office Building in Las Vegas because we want to be represented around the state. It would really be fantastic for us to have some funding source to be able to take on projects like this to recognize the work and contributions and hopefully inspire other women to be involved.

We are in the queue to get a license plate by going through the regular process. However, the suffrage issue is somewhat timely, and we have only moved from twelfth place to tenth place. We do not think we are going to make it by next year. This bill would be really important for us to be able to recognize this one specific historic event. I hope you will support this bill. I would be happy to answer any questions.

**Vice Chair Yeager:**

Are there any questions from the Committee? [There were none.] Is there any additional testimony in support of the bill?

**Caryll Batt Dziedziak, Assistant Director, Women's Research Institute of Nevada,  
University of Nevada, Las Vegas:**

Our institute for the past 20 years has been documenting the lives and work of women in Nevada, including the suffragists. I am also a history professor at the University of Nevada, Las Vegas, and I teach Nevada history. On both accounts, I think this is a fitting and well-deserved tribute to Sadie Hurst, Ann Martin, Felice Cohn, Bird Wilson, and the many other women who fought long and hard for women's suffrage in Nevada. I urge you all to support the bill.

**Vice Chair Yeager:**

Is there anyone else present who would like to testify in support of the bill? [There was no one.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

**Marty Elzy, Management Analyst, Division of Central Services and Records,  
Department of Motor Vehicles:**

On behalf of the Department of Motor Vehicles, I am here to testify in the neutral position on Assembly Bill 468, which serves to create a specialty license plate commemorating the 100th anniversary of women's suffrage. Due to the nature of the plate production process, the Department would request a January 1, 2020, date for the plate to be available to the

public. However, we would be able to start accepting advanced applications on July 1, 2019, upon passage of A.B. 468. A January 1, 2020, sell date would allow the Department time to design, test, manufacture, and distribute this new plate. The Department has some procedural questions and would like the opportunity to discuss the details with the bill sponsor. I would be happy to answer any questions the Committee may have.

**Assemblyman Leavitt:**

I have nothing against women's suffrage and I fully support this bill. Ms. Cafferata mentioned the plate is tenth in line. Does this affect any of the other plates that have been waiting on the list by leapfrogging this one forward? Are those other plates still on task to be completed when they were set?

**Marty Elzy:**

Passing a law is a separate process from going through the Commission on Special License Plates and being put on the list. To say they are leapfrogging and others are being displaced is skewed because of it being a different process. We would continue to work on the plates that are currently on the list as availability becomes open on the tiers. However, we would obviously work on this one based on the implementation time frame.

**Vice Chair Yeager:**

Are there any further questions from the Committee? [There were none.] Is there any additional testimony in neutral? [There was none.] Are there any final comments?

**Assemblywoman Bilbray-Axelrod:**

Thank you for hearing this bill. To answer Assemblyman Leavitt's question, the important distinction is that this is a limited edition, so it is going to be a one-year period. To be honest, I have an issue when people do leapfrog. This is just for one year.

**Vice Chair Yeager:**

I will close the hearing on Assembly Bill 468. I will open the hearing for Assembly Bill 316. Assemblywoman Tolles, I understand you also have a presenter on the telephone, so please let me know what order you would like to take the testimony in and then we will open the hearing for questions.

**Assembly Bill 316: Revises provisions relating to driving under the influence of alcohol or a prohibited substance. (BDR 43-312)**

**Assemblywoman Jill Tolles, Assembly District No. 25:**

It is my distinct pleasure to introduce Assembly Bill 316. This bill seeks to get authorizing language in statute to enable counties, if they choose, to implement the Nevada 24/7 Sobriety and Drug Monitoring Program. We all have stories for the bills we bring forward. For me, this goes back to 2016 when I was running for office for the first time. I received an email from a gentleman who said he thought he wanted to vote for me, but he needed to meet me first in person. He wanted to meet for coffee because he had something very important to discuss with me. I agreed to meet him for coffee. For the next hour and a half, he shared

with me the story of his son, who was a valedictorian, a quarterback, and who had just been accepted to a prestigious college. One week before graduation, he was hit and killed by a drunk driver. As you can imagine, it was a very emotional meeting, and it stayed with me.

It just so happened that night, while I was making phone calls for my campaign, I received a popup message on Facebook from an officer who said he needed to know how I stood on public safety issues, and road safety issues in particular. I told him I had just had a lengthy meeting that morning with a father who lost his son to a drunk driver. I told him I take these issues very seriously.

That was the beginning of a relationship with those two constituents who have been strong advocates on the issues of keeping our roads safe from drunk drivers. This is due to their input, particularly Scott Swain, who introduced me to a program we have in Washoe County called the Sober 24 program that really helps to rehabilitate individuals who have received DUI charges and prosecutions to keep them from recidivating, to keep them clean and sober, and consequently, to also keep our roads safe.

I would like to give you a brief background on Washoe County's Sober 24 program, then I would like to pass it off to Judge Scott Pearson and our expert witness on the phone, who has done extensive study on the origins of this program out of South Dakota and its efficacy over the years.

The Sober 24 program is a seven-day-per-week, year-round monitoring program for offenders who have driven under the influence of alcohol and/or drugs. Participants submit to scheduled and/or random testing in order to determine the presence of alcohol, marijuana, or other controlled substances in their bodies. If a participant does not appear or tests positive, the participant is subject to swift, certain, and proportional sanctions consistent with Nevada law and the court's discretion.

The goal of a 24/7 program is always to improve public safety while providing DUI offenders with resources that both help them maintain their driver's license and receive valuable services, including drug and alcohol counseling, employment services, education services, and legal services. The 24/7 Sobriety Program is recognized by the National Highway Traffic Safety Administration, U.S. Department of Transportation as an evidence-based impaired driving reduction methodology. To date, 11 states have implemented and recognized 24/7 safe and sober programs in statute.

Briefly, there are four main components that make the program work: twice daily alcohol testing and/or random drug testing as appropriate; immediate sanctions for failure to comply; a restricted driver's license so participants can still keep their jobs; and keeping compliant with the testing requirements and, hopefully, keeping out of jail and keeping safe.

I would like to pass it over to Judge Pearson, who can tell us a little more about the program we have in Washoe County. We can also refer to our expert on the phone for the background of the national research. With the Vice Chair's permission, I would like to walk through the amended version that was just submitted to you ([Exhibit H](#)). I apologize over some last minute changes.

**Vice Chair Yeager:**

We will check on that amendment to make sure it is on the Nevada Electronic Legislative Information System (NELIS). Judge Pearson, I want to welcome you to the Committee. I know we have spoken before on the phone, but I do not think we have had the pleasure of meeting in person. It is good to put a face with a name.

**Scott Pearson, Judge, Reno Justice Court:**

Department 4 of the Reno Justice Court is statistically probably the third- or fourth-busiest misdemeanor court in the state. I have been on the bench for nine years. During that period of time, I have obviously handled a lot of DUI cases. I also presided over one of the largest drug courts in Nevada. I presided over one of the first DUI courts in Washoe County. Before taking the bench, for 12 years I was in the Washoe County District Attorney's Office and was assigned to the Major Violators portion of the Criminal Division when I left that office.

Assemblywoman Tolles spoke of the experience a constituent relayed to her. I wish I could forget the many, many DUI death cases that I responded to when I was in the office. They are tragic cases because, unlike the majority of your criminal cases that are intentional, the defendant was just intending to get from point A to point B and not to tragically harm or kill someone.

When someone is arrested for a DUI, my job is to ensure they make their court appearances and they do not continue to put the community at risk by the least restrictive means possible. Jail is not the least restrictive. It is 100 percent sure and certain to keep the person from endangering the community, but it also ruins that individual's life and increases the chance that they will commit crimes when they get out.

In continuing to look for an effective way to ensure the safety of the community and the appearance of the defendant, we found the 24/7 Sobriety Program in South Dakota. We went and visited the program, and I was incredibly impressed because it was not intended to follow the best practices of the drug courts, but that is, in fact, what it did. What we know in drug courts is that we need swift, certain sanctions in order to change behavior, and those sanctions have to be very reasonable instead of the old probation model or pretrial model that is still being used across the state of Nevada the majority of the time. If you are an individual released on a DUI offense and you test positive, in the majority of the jurisdictions, you are just put back in jail until your case is done. The same thing happens if you are on probation. The probation officer tends to work with you, but eventually the only choice the district court judge has is to send you to prison or reinstate you. These swift, certain sanctions work very well.

The program is required to test every single day, seven days a week. It has a face-to-face component that is missing from the ignition interlock device. When I speak about the 24/7 Sobriety Program, sometimes people think it is the ignition interlock device. It is not. I want to make that very clear. What I am asking you for is an "or." People have the ability now to have an ignition interlock device and get their driver's license back. This Legislature did that two years ago, and you recognized something very important. Statistically, 70 percent of DUI defendants drive while their license is revoked or suspended because they have to. They have to get their kids to school, they have to get to work, and they have to pay their bills. However, we need to ensure that they are not drinking and driving. The Legislature passed a law that allows individuals to get their licenses back as long as they agree to the ignition interlock device.

The problem is, for my job of ensuring the safety of the community, an ignition interlock device is not an effective tool. I can tell you the reasons why. It ensures that the car does not have a drunk driver at the wheel, unless there is a sober person blowing in the device next to them. The ignition interlock devices claim to have facial recognition, but they do not. They take a picture that someone at some point has to compare to the actual picture of the defendant. The turnaround of when we get notice is often weeks after a violation, so there are not swift and certain sanctions. It secures one car. Addicts are very resourceful. They can find other cars to drive.

The 24/7 Sobriety Program ensures that individual is sober. They build a wonderful relationship with the person who is testing it. Sergeant Roper is here from our program that we have had for a couple of years. Our results on the preliminary breath tests are over 99 percent clean. These people are showing up and they are clean. In a matter of 30 to 60 minutes in South Dakota, we saw more than 400 people come in and out of that program. They call it "blow and go." The individuals pay \$1, which pays for the entire program for their breath test.

The ignition interlock device is also completely ineffective against individuals who are using drugs and driving under the influence. How does the ignition interlock device work there? It does not. I am faced with either doing what I know is best, which is testing these people twice a day for a period of time, until they prove they can graduate to something less, and burdening them by having the ignition interlock device so they can get their driver's license, or I allow them to simply have the ignition interlock device so I do not put too much of a burden on these individuals. However, I put the community significantly at risk because the ignition interlock device is not effective in ensuring that these people do not put the community at risk. It is a great tool later down the road if we have had a period of time with face-to-face effective testing, but it is not an effective tool upon release.

We have struggled with a tool to identify our most frequent DUI offenders early. This is it. If we test them twice a day for at least 30 days, we will ensure that we will know whether this person is an addict and needs additional help staying clean and sober and making better choices.

I would urge you to support allowing an "or" for the Nevada 24/7 Sobriety and Drug Monitoring Program. It allows individuals to keep their jobs, keep their apartments, and not lose all of those things that cause them to spiral out of control. We build great relationships with these individuals. It works, and you will hear about that with South Dakota; it is very cheap and cost-effective for these individuals. You have an outline of the basic tenets ([Exhibit I](#)) that has been provided to you by the Department of Public Safety. I urge you to add an "or" to the ignition interlock device law to allow me to use the best tools and keep the defendants unburdened by significant financial problems.

**Vice Chair Yeager:**

At this time we will go to Dr. Kilmer from the RAND Corporation joining us on the telephone.

**Beau Kilmer, Co-Director, RAND Drug Policy Research Center, RAND Corporation:**

I am the senior policy researcher at the RAND Corporation, the Co-Director for the RAND Drug Policy Research Center, and I am a professor at the Pardee RAND Graduate School [page 1, ([Exhibit J](#))]. RAND is a nonprofit, nonpartisan institution that helps improve policy and decision making through research and analysis. We do not take official positions on legislative bills or ballot initiatives, so I should be considered neutral on A.B. 316 [page 2, ([Exhibit J](#))].

Before I get into some of the statistics, I thought I would provide you with a little bit of background about how I started researching the 24/7 Sobriety Program [page 3]. About a decade ago, most of the work I was doing was largely focused on illegal drug use and trying to reduce it among those who were in the criminal justice system. A colleague approached me at one point and said although he knew I primarily work on illegal drugs, he wanted to tell me about a program in South Dakota, which he said is largely focused on alcohol and it seemed to be making a difference. He told me about how at the program, when people were either arrested or convicted on an alcohol-related offense and were ordered to abstain, those folks who were in the 24/7 Sobriety Program would have to go to the sheriff's office once in the morning and once at night every single day and blow into a breathalyzer. If there was any alcohol in their system, they would have to go to jail immediately for a night or two. Some of the people who were not able to come in twice a day were wearing the alcohol monitoring bracelets. In some of these counties, I was hearing there were hundreds of people coming in every morning and every night. My first response was surprise that people were showing up, and secondly, the fact that in some of these counties there were so many people.

I decided to go to South Dakota in the middle of February in 2009 or 2010 to see how this program was being implemented in different counties. I spent time road tripping throughout the state talking to people who were in the program and people who were running it. It seemed to me like there was something there.

After looking at the program in different counties, I went to the Attorney General and told him what he needed was an independent evaluation. What that would mean is they would



have to open all their books and would have no control over the results of the studies. If he was willing to do that, I could probably go to some of the federal agencies at the National Institutes of Health, U.S. Department of Health and Human Services to get funding for the research. He told me to go ahead. I was fortunate enough that he opened the books, as did the testing companies, with no strings attached. They gave us all kinds of data and we were able to get the research supported by the federal government.

The pilot program for the 24/7 Sobriety Program in South Dakota started in 2005. On page 4 [page 4, ([Exhibit J](#))], if you look at that dark line, in 2004 there were no counties participating in the program. In 2005 there were a handful of counties in South Dakota participating. There was a large increase in 2007 after the passage of a bill that provided more funding for the program. By the end of 2010, almost every single county in South Dakota was participating in the 24/7 Sobriety Program.

If you look at the people who are participating [page 5], most of them are there for DUI, largely the second, third, and repeat offenders. You can also see there are a fair number of people in the program for assault, domestic violence, community corrections violations, and drug possession. The last time we ran the numbers on this in South Dakota, about half the people were there pretrial, and the other half were there post-conviction as part of their sentence or probation.

I want to make it very clear that there is no formal treatment component to South Dakota's 24/7 Sobriety Program [page 6]. That is what makes this a bit different from the drug or DUI courts. The program in South Dakota only requires that the participants stay sober. It does not necessarily care about the pathway.

The results have been impressive [page 7]. Beginning in 2005 all the way through February 2019, there have been almost 11 million breathalyzer tests, and the pass rate was 99 percent. That also includes the no shows. People show up because they know there are going to be consequences if they do not. It has really created a deterrent threat in South Dakota. For those who are wearing the alcohol monitoring bracelets, the daily compliance rate seems to be over 99 percent as well.

I want to make it very clear, at this point it is not a small program in South Dakota. A couple of years ago, the last time we ran the numbers, we estimated there were more than 30,000 unique 24/7 Sobriety participants in South Dakota who had accumulated more than 5 million days without a confirmed drinking event [page 8]. Our back-of-the-envelope calculation suggested that 6 percent of adult males in the state have gone through this program. The fact that they accumulated more than 5 million days without a confirmed drinking event, in and of itself, seemed like a public health victory.

Of course we wanted to learn more about the program [page 9, ([Exhibit J](#))]. What we ended up doing was taking advantage of the fact that the program was implemented in different counties at different times. That way we could see, after a county turned on the 24/7 switch, what happened to all the different outcomes that we cared about? In the first paper we had

published in the peer review at *American Journal of Public Health*, we found that after counties adopted 24/7 in South Dakota, the number of repeat drunk driving arrests decreased by 12 percent. We also found that the number of domestic violence arrests decreased by 9 percent. That was initially surprising to us because most of the people who are in the program are not there for domestic violence. However, it makes it clear that if you are able to get the heavy drinkers and those who are running into problems with alcohol consumption to reduce their consumption, even for six months to a year, it makes sense that you may see some effects outside of just what we see with respect to drunk driving arrests.

We also published an analysis in which we looked at what happens after a county turned on the 24/7 switch. We found it was related to a reduction in all-cause mortality. There were so many people participating in this program that, after counties adopted it, the share of people dying decreased. That was published in *The Lancet Psychiatry*.

In 2018 the prestigious National Academy of Sciences, Engineering, and Medicine (NASEM) published a report called *Getting to Zero Alcohol-Impaired Driving Fatalities* [page 10]. For those of you who have not read this report, I encourage you to do so. They do a very good job of reviewing the literature on a number of different policy tools, not just 24/7. What they did say about 24/7 made sense. They looked at the evidence and said the 24/7 monitoring program for high-risk offenders has been shown to be effective in some rural areas. However, they noted there were some important limitations. One of those limitations is that the research that had been done, largely by me and my colleagues, was looking at what was happening at the county level or these aggregate-level studies. What NASEM has recommended is that it would be useful to do some individual-level analyses. That is, compare some people who are in 24/7 versus people who look like them but are not in 24/7 and see what the outcomes look like.

It turns out, as they were making that recommendation, it was exactly the study we were undertaking at RAND. For the past couple of years, we have been conducting an individual-level analysis based on more than 16,000 individuals who were arrested in South Dakota, either for a second or a third DUI and looking at those who were in 24/7 versus those who were not in 24/7 [page 11]. We used advanced statistical methods to make sure we could rule out alternative explanations and identify what the true effect is of participating in 24/7 Sobriety.

Page 12 shows that the takeaway is we found large effects. For those who were participating in 24/7, the probability that they were rearrested at 12 months was 49 percent less than it was for the comparison group. We also saw that at 24 months those individuals who were participating in 24/7 were about 35 percent less likely to be rearrested. This is for any type of offense. We even found an effect at 36 months with a 26 percent reduction. This is important because for this particular population, the average amount of time they were in the 24/7 Sobriety Program was 11 months, and the median was 6 months. This is suggesting that, at least for some individuals, the program seems to have an effect even after they are no longer participating.

There are many questions that remain about 24/7 that, as a researcher, I am hoping to learn more about [page 13]. For example, how long should the supervision last? Should we put people in for 90 days, 180 days, or one year? At this point, it is not entirely clear. It is also important to wonder about whether there are certain types of monitoring approaches or if certain technologies work best for different types of participants. At this point, we do not really have an answer.

This program is really producing a credible deterrent threat. I wonder what the minimum level of punishment is we actually need to deter individuals. The way they set it up in South Dakota is if people miss a test or they blow hot, they will immediately go to jail for a night or two. Would you get the same effect if they were only in jail for six hours or, instead of using jail, they were ordered to house arrest? I think there is a lot of research that needs to be done in terms of trying to figure out what the minimal amount of threatened punishment is needed to produce these effects.

Right now the 24/7 Sobriety Program is largely about the stick, or the deterrent threat. It is certain that individuals will spend a night or two in jail if they test positive or miss a test. It would be interesting to see what would happen if this is incorporated with treatment. I am aware of some DUI courts that have now incorporated this program. In addition to the stick, what about the carrot? There is a fair amount of research called contingency management that shows individuals, especially those with an alcohol use disorder, tend to be responsive to positive incentives. What if the 24/7 program not only had the threat of spending a night or two in jail, but also had positive incentives, whether it be movie tickets or some small token? It turns out that some of the things we think of as small gifts can actually work wonders in terms of producing abstinence.

I would like to do more research so I can help policymakers understand which one of these programs would produce the most bang for the buck. Should they use 24/7, a DUI court, ignition interlock devices, or maybe some type of combination? At this point, we do not have good research on that in terms of cost-effectiveness, but that is something I am hoping to work on over the next couple of years.

I look forward to any questions or comments you may have.

**Vice Chair Yeager:**

Thank you for your testimony. We will note for the record that you are in the neutral position on the bill and are appearing by phone today at the invitation of the Committee. I want to thank you for your presentation. Certainly, 11 million breathalyzer tests with a pass rate of 99 percent is quite stunning. I am very surprised to hear those numbers, but obviously that is very encouraging.

We do have an amendment ([Exhibit H](#)) that has been uploaded to NELIS for this bill. As Assemblywoman Tolles takes us through the bill, you want to make sure you are looking at the amendment.

**Assemblywoman Tolles:**

There were some changes to the mock-up and we were trying to get final input from everyone. I do want to point out that the research team did make a note that this document shows proposed conceptual amendments. The language is not yet placed in official legalese. I would also anticipate that we will get some more feedback from Committee members and stakeholders during testimony. I am very amenable to making those technical changes to make sure we get this law right.

I also want to point out the reason we are bringing forth this bill. As you heard from Judge Pearson, we are utilizing most of the components in Washoe County, but we need to make sure we get the restricted driver's license as well to be able to enable counties and city municipalities across the state. The main purpose for that is it is not requiring, but it is enabling. If we get this language into statute, it makes us eligible for federal grants so we can expand this program to the rurals and Clark County if they choose to enact it. That is the backdrop for this bill and this legislation today.

I would like to briefly walk through the bill. I will do it concept by concept and refer to the sections as closely to in order as I can. This bill includes a prohibition, as you heard, against using alcohol and drugs for all participants while they are in the program. You will see that in section 17 of the bill and the amendment.

In section 18 of the amendment ([Exhibit H](#)), you will see there is an agreement form or contract that participants must sign acknowledging their understanding of the program rules, including abstinence, expectations, sanctions, and their agreement to abide by them and allow their records to be used for assessment purposes.

Sections 14 and 17 include a primary testing methodology for alcohol and drugs allowing up to twice daily breath testing at a central site or sites for alcohol and/or regularly conducted random or scheduled testing for drugs. Sections 14 and 17 also outline availability of additional testing methodologies that can be employed in limited circumstances where individual participants are unreasonably burdened by twice daily breath testing, including alternative methods.

In sections 14, 17, and 18 you will see that swift, preferably immediate, certain, proportional, and consistent sanctions for all violations are included. In section 18 you will see a means to ensure program sustainability through predictable funding sources, including program fees. Judge Pearson and Scott Swain are here and available to answer technical questions about those fees and how that works to actually create a self-sustaining model over time.

The new section 24 of the amendment [page 24, ([Exhibit H](#))] mentions it is available to all jurisdictions, county and city, within the state, including cities, counties, courts, and entities that administer alternative sentencing.

The new section 26 of the amendment [page 24] refers to the provision that we may accept donations, grants, scholarships, and other forms of financial assistance. By putting this into statute, it helps us in the application for federal grants in order to get this going in other jurisdictions.

Sections 1, 16, and 17 identify that a person who participates in a 24/7 program is not otherwise eligible for the ignition interlock device driving privileges and they may apply for a restricted driver's license upon notification from the court to the Department of Motor Vehicles of their 24/7 sobriety program participation. Sections 16 and 17 outline that the Department of Motor Vehicles shall adopt regulations that provide for the issuance of a restricted driver's license to a participant of a 24/7 sobriety program.

I will be happy to answer any questions or call in an expert.

**Vice Chair Yeager:**

Before I take questions, I want to say I am encouraged to hear the swift, certain, and proportional sanctions. I think that is something our criminal justice system, particularly for those on probationary status, has been lacking over the years. Often there is not a swift sanction, nor is it certain, and sometimes it is not proportional. Thank you for hammering that point home. I think we are trying to do a better job in our criminal justice system, so I am very encouraged to hear that.

**Assemblywoman Nguyen:**

I read this bill as not necessarily establishing a new program or specialty court program but as a tool for existing programs. Am I correct in that assumption?

**Judge Pearson:**

It is an additional tool and can be used in a DUI court. But primarily, we are focusing on the carrot, which is allowing individuals to get their driver's licenses back—as they would with an ignition interlock device. However, a lot of people do not reapply for their driver's license; they stay home and drink because they are addicts, and then they just borrow a car whenever they want to and drive under the influence. It is enabling another tool for a judge to use at his discretion, whether that be in a DUI court—which we use in all of our DUI courts and drug courts—or a pretrial release. After getting the DUI, those individuals can get their driver's licenses back the next day, go to work, keep their families together, and prove they are staying clean and sober.

**Assemblywoman Nguyen:**

I am a huge fan of the specialty courts. I think they are a benefit to our society. I know this program provides for two-times-daily testing. I know in some of the best practices, sometimes overtesting can be detrimental to someone's sobriety and treatment. How do those requirements play into this program?

**Judge Pearson:**

I have been doing this for just about my entire time on the bench. I was doing specialty courts every day during the week because I also believe that is the answer to finding the solution to these problems. The majority of these people are not bad, they just make bad decisions or they have an addiction and see no clear way out. The best practices with drug testing in a drug court is a minimum of two out of every seven days if it is random, every day during the week, weekends, and holidays. If you are not going to offer testing on the weekends and holidays, then it has to be done three distinct days during the week. Basically, you have to catch that person while the drugs are still in his or her system; otherwise, an individual will test around it. The science is so strong, they tell you not to even have a drug court—do not even bother testing—if you are not going to test two out of every seven days, holidays, and weekends. Our 24/7 Program that we opened a couple of years ago is open on New Year's Day, Christmas, and every day of the week.

As far as the twice-a-day testing, that is because of the alcohol. We now use an 80-hour EtG [ethyl glucuronide] test that has been developed in the last couple of years. We can use that randomly. We allow the individuals to graduate to that on DUIs. It depends on the risk that they pose. There are some individuals we simply test two out of every seven days a week. They call in every morning and if their number is up, they go in and test. We only charge the cost of the test cup for those individuals. If it is a preliminary breath test, it is only \$1; if it is a drug test, it is \$5. The reason they did twice-a-day testing in South Dakota is because they did not have the EtG back then. They wanted the face-to-face interaction so there were immediate sanctions for that individual rather than some report on a Secure Continuous Remote Alcohol Monitor (SCRAM) device—the old ankle bracelet—days or weeks later. There are other issues with regard to the effectiveness of the SCRAM device as well.

What I usually do is a 30-day period. Once individuals have done that, then they can graduate to random testing. Oftentimes we put them back on daily testing as a sanction instead of jail time. As far as what Dr. Kilmer and the Vice Chair spoke about as incentives, we do that. We have treatment there. If they are honest and seeking treatment, the sanctions are far less. We really try to build that teamwork. It is amazing the relationships between the testers and the people being tested. They realize the testers care for them and want them to be successful. That does not happen with the ignition interlock device.

What we are asking for is the ability to add this as a tool in our toolbox for those individuals who are posing a risk to the community.

**Assemblywoman Nguyen:**

I do have some concerns. You said you typically use it for 30 days. The way this bill is written is kind of open-ended. I know Assemblywoman Tolles is continuing to work on this, and we just received these amendments. If it is possible, I would like to be added as a cosponsor.

**Assemblywoman Tolles:**

I appreciate that support. To speak to the efficacy of the program, I would like to share with you the specific statistics at the beginning of the program. In 2017 the Washoe County Sober 24 program served 743 participants, administered 39,090 preliminary breath tests, with 99.74 percent of those tests being negative for alcohol, and administered 28,265 drug tests with 94.38 percent of those tests being negative for drugs. The compliance rates have been stunning by any measure. As I understand it, there is judicial discretion to start with that twice daily testing and then, as Judge Pearson pointed out, upon compliance and at the time it is deemed appropriate, to then loosen that and wean down. I will let my constituent, Scott Swain, speak to the reason why the language includes the twice daily testing in statute.

**Scott Swain, Law Enforcement Liaison, Office of Traffic Safety, Department of Public Safety:**

I am here today to provide this Committee with information regarding national best practices for 24/7 sobriety programs. Our office welcomes the opportunity to provide information and discuss how 24/7 DUI programs can provide opportunities for courts, alternative sentencing programs, and those with addiction issues.

The adoption of a 24/7 program authorized by the state would allow us to receive impaired driving funds from the federal government in the furtherance of helping counties or other jurisdictions that open new 24/7 sobriety programs. [Also submitted was ([Exhibit K](#)).]

**Assemblyman Ellison:**

Could these units be used on the highway by police after they pull someone over? Currently, there is no test for testing someone who is under the influence of drugs.

**Judge Pearson:**

If you are speaking about the test cup, which is what we use, which gets immediate or fairly immediate results, yes. However, I would defer to former officer Swain as to whether troopers or officers want to be doing urinalysis testing on the side of the road. There is some science with other devices being developed, but they have not proven reliable enough to do roadside drug detection without getting a urine sample at the side of the road.

**Assemblyman Ellison:**

How long do drugs and alcohol stay in the system?

**Judge Pearson:**

The reason South Dakota does twice a day testing is because alcohol does dissipate, and there was not a test at the time for the metabolite. Now we have the EtG test that is an alcohol metabolite. Metabolites stay in the system longer than active alcohol or THC [tetrahydrocannabinol] in the case of marijuana. We can test up to 80 hours now for alcohol. Oftentimes, that is what we use instead of the twice daily. They come in in person, we do the EtG test, and we still get immediate results. It is just that the drinking event may have been

a day or two later, so we allow people to graduate to that. If they are lower risk, we put them on that time frame to burden them the least. A person with three, four, or five DUI arrests—and we know that person has probably driven under the influence 70 to 100 times before they got caught—we want to test them twice a day. We want to be sure they are clean.

Marijuana stays in the system much longer—for that, we look for the level to go down. We do not sanction the individual the next day if they are still testing positive, but we are watching those results to make sure they are consistent with someone no longer using marijuana. For other drugs, it depends, but they are usually out of the system within 48 to 72 hours. That is why we test two out of every seven days randomly or three days per week.

**Vice Chair Yeager:**

Are there any further questions from the Committee? [There were none.] I will open the hearing for those in Carson City or Las Vegas who would like to testify in support of Assembly Bill 316.

**Illona Mager, Private Citizen, Sparks, Nevada:**

I support Assembly Bill 316. My only child was killed in a THC car crash 23 years ago. My husband and I were one of four families that supported the drug DUI per se law in 1999 into passage. Since then, I have volunteered for Northern Nevada Mothers Against Drunk Driving, Stop DUI, Inc., and Northern Nevada DUI Task Force. I have supported families through the court system, have spoken in high school general assemblies, high school classrooms, and juvenile detention centers. I have been speaking the last seven years for Northern Nevada DUI Task Force at the Reno, Fallon, Fernley, and Carson City Victim Impact Panels.

I have been told that 1 in 10 offenders attending a victim impact panel will return. I support the 24/7 program because it holds DUI offenders accountable for their behavior, while also providing incentive to maintain their sobriety. In my mind, it is a win-win providing needed oversight for the repeat offender. I also believe this program should include first-time DUI offenders; 71 percent of DUI fatality crashes are committed by first-time offenders, and my son's death was committed by a first-time juvenile offender.

I was given a tour of the Sober 24 Reno facility. I was so impressed with the number and types of supportive services that were available there for the participants. I feel it is important in providing public safety but can also be a central location where a positive change can be achieved and hopefully save lives.

My thought is that both ignition interlock devices and the 24/7 program are important so offenders maintain their sobriety, and I strongly support both.

[Written testimony was also submitted ([Exhibit L](#)).]



**Justin Roper, Sergeant, Alternative Sentencing, Washoe County:**

Currently, we are the only agency in the state running a 24/7 program. I want to make myself available to you should you have any questions. I also want to talk a little bit about our program. When we went to look at the program in South Dakota with Judge Pearson, we wanted to bring it to Washoe County. We saw the validity of the program. Unfunded and just on a whim, we made it happen. We secured a building in relationship with the Washoe County Sheriff's Office and we started testing. We took a look at the numbers after one year and saw that it does make an impact within our community.

One of the things we saw that we were lacking was wraparound services. If we had these people and we saw they had a drug abuse program or problems getting a job, things that lead to causing issues within our community, we wanted to have those services available to them there as well. We made an agreement with Alta Vista Mental Health and we brought in mental health counseling to our Sober 24 program. We now work directly in correlation with our human services agency, and they are in the building as well.

We also have the Learn to E.A.R.N. [Employment & Education Assistance Re-entry Network] program which is a job placement program teaching skills on how to make resumes and how to interview in order to lead them toward becoming more productive members of the community. Representatives from Truckee Meadows Community College come to the facility once a week for job programs. They have gone from three to now offering six different programs these individuals can get into.

It is viable to the community, not just for the drug testing, but for services that we can provide also. I know that is not included in the bill, but I wanted to throw that out there that this program can grow much bigger than just the drug testing alone. I would be happy to answer any questions you may have. I do have some of our testing numbers for the last three years if you would like them.

**Vice Chair Yeager:**

I do not see any questions, but I would encourage Committee members to reach out to Assemblywoman Tolles or anyone else about the mechanics of what is happening in Washoe County if you have any questions. We will continue taking testimony in support of Assembly Bill 316. [There was none.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

**Victoria Hauan, Impaired Driving Program Manager, Office of Traffic Safety, Department of Public Safety:**

Our office would receive additional grant funding from the National Highway Traffic Safety Administration (NHTSA) if both of these programs were in statute. Both programs are important. However, if the word "or" is put into the ignition interlock device law, it would disqualify us from the interlock funding because the ignition interlock device needs to be

mandatory for all offenders in order to receive that funding. The amount of funding available is set as a formula by NHTSA, so we do not know exactly how much it is, but we do put that funding back into the state by funding multiple DUI courts. The funding would be important.

I am also a member of the Association of Ignition Interlock Program Administrators. That organization is comprised primarily of employees and state program managers across the country who look at best practices. Their recommendation is that both programs are important and should be utilized in conjunction with each other—not one in place of the other.

**Vice Chair Yeager:**

Last week we talked about Senate Bill 259 of the 79th Session, which was the ignition interlock program. We talked about whether we had received any monies. I believe the answer was we had not yet received any. We have an existing program, which is the ignition interlock device, and then we have this proposed bill in front of us which creates a new program. I think what you are saying is the wording has to be "and." If it is "or," we could potentially lose out on funding. We are not receiving funding now, so I am trying to figure out where we are in this funding picture because we hear a lot about grants. Could you clarify that for me?

**Victoria Hauan:**

In Senate Bill 259 of the 79th Session, there were exemptions added to the bill and one of them was for financial hardship. That is not an allowable exemption according to NHTSA funding. They were specific when they wrote the Fixing America's Surface Transportation [FAST] Act that the only exemptions that could be allowed would be if the person did not have the lung capacity to blow into the device, if there was no provider within 100 miles, or if it was an employer's vehicle. Those were the three allowable exemptions. Senate Bill 259 of the 79th Session added a hardship exemption that disqualified the state from obtaining that additional funding. Senate Bill 259 of the 79th Session did make allowances for people who are economically challenged by requiring manufacturers to offer a 50 percent to 75 percent discount on the price if they are within the federal poverty levels.

**Vice Chair Yeager:**

I understand that with S.B. 259 of the 79th Session we would have to take that exemption out in order to qualify. If we were to institute the 24/7 program in A.B. 316 and do it on an "and" basis, would that open additional federal money, or are we talking about the same pool of money?

**Victoria Hauan:**

It is an additional source of funding. They give funding for an allowable 24/7 program. The ignition interlock is a separate qualification of funding. When we turn in our grant application to NHTSA, we have to provide a copy of the language in the bill. That is how they determine whether we meet the additional funding qualification.

**Vice Chair Yeager:**

Are there any other questions from the Committee? [There were none.]

**Jude Hurin, Administrator, Management Services and Programs, Department of Motor Vehicles:**

We look forward to working with Assemblywoman Tolles, Judge Pearson, and Officer Roper to discuss some of the logistics and getting the language aligned to having an ignition interlock device and a 24/7 program in place. It is very important to the Department of Motor Vehicles. If individuals have an ignition interlock device and a month or two later are assigned to the 24/7 program, the logistics of lining those two up is something we want to have continued discussions on regarding restricted driver's licenses. The person may already have an ignition interlock device privilege under Assembly Bill 53, which we are proposing this session, or a restricted license if they do not actually qualify for an ignition interlock device privilege. We are attempting to have those discussions regarding both programs so both programs are successful. We do believe the 24/7 program is very effective. You have heard the statistics, and we look forward to being a partner.

**Vice Chair Yeager:**

Is there any further testimony in neutral for A.B. 316? [There was none.] Are there any closing remarks from the sponsor?

**Assemblywoman Tolles:**

There are a few technical details that I am 100 percent committed to making sure we get the language just right. I appreciate all the help from stakeholders. I started this hearing with a story about how I talked to a father who had lost his son. I ended the evening by getting acquainted with another constituent who was an officer with the Nevada Highway Patrol, Department of Public Safety. What I failed to mention was that the officer revealed to me he was the responding officer of that fatal accident.

I know in this Committee you deal with safety issues on the road a great deal. I sit on the Assembly Committee on Judiciary, and we deal with the balance of justice. I think this bill really hits that balance nicely. One of the reasons I am so enthusiastically supportive of this bill is because it is both equally committed to public safety and to helping people move on, keep their jobs, keep sober, and succeed. I urge your support.

[Assemblywoman Monroe-Moreno reassumed the Chair.]

**Chair Monroe-Moreno:**

I will close the hearing on Assembly Bill 316. I will open the hearing on Assembly Bill 363 and welcome Assemblyman Thompson to the table.

**Assembly Bill 363: Revises certain provisions relating to homeless youth.  
(BDR 43-1033)**

**Assemblyman Tyrone Thompson, Assembly District No. 17:**

I am excited to present Assembly Bill 363, which revises provisions relating to homeless youth. As many of you may or may not know, much of my life's work has been working with our vulnerable populations, most specifically our homeless. Homeless people are people just like us, but unfortunately they have come into situations where they are homeless.

We have many subpopulations of homeless in our community, but today the subpopulation I feel is the most vulnerable and should be highest on our radar is our homeless youth. Throughout the rest of my presentation, you will learn a little more about their challenges. However, I want to discuss the "golden ticket" for them. In order for them to be successful in their future, they need to have identification. That would be in the form of a Nevada driver's license or a Nevada identification card. Currently, it is allowable in law for a homeless adult to receive a duplicate license or identification card. It is time for us to include our homeless youth into the mix as well. We are one of the very few states that has a "right to shelter" law. Students who are 12 years old—which is very sobering—and older will not necessarily be considered as runaways and they have the right to seek shelter for themselves.

At this time, I will turn it over to Ms. Hall. She is a representative from Young Adults in Charge. In addition, I have with me Mr. Ghafoori, who is the executive director for the Nevada Partnership for Homeless Youth (NPHY). I will then walk the Committee through the bill and answer any questions you may have.

**Taisacan Hall, Private Citizen, Las Vegas, Nevada:**

I have been a client at NPHY for nearly one year. I became homeless in March 2018 when I was evicted from my home alongside my mother, my one-year-old brother, and her dog. I carried most of what we could grab in a short amount of time. For me, it was as though I was carrying my family. I carried them for most of the day until we were fortunate enough to make it to a weekly. It was only a few weeks later that we were evicted again, which was the second of a number of evictions to come.

After the situation with my mother became more and more abusive, I moved into NPHY's transitional housing program, where I currently reside. I joined Southern Nevada's Youth Action Board, Young Adults in Charge in June 2018. This group gave me a purpose outside of surviving my experience with homelessness and allowed me to commit to something much bigger than myself.

Young Adults in Charge is a leadership group for youth under the age of 25 intended to eradicate youth homelessness by empowering youth voice via advocacy. In the past year we have made great strides in the community through our active involvement and communitywide projects, including identifying the process of obtaining vital documents—an essential barrier to youth who are working toward exiting their homeless situation. We also assisted with drafting the language for A.B. 363.

We are interested in this bill because we understand that vital documents provide access to virtually everything. It is the passport for their lives. Without them, youth cannot safely exit their homeless situation into self-sufficiency. Youth are not able to open a bank account, rent a home, or drive a vehicle without their vital documents. The absence of these documents forms barriers for youth experiencing homelessness and further endangers an already vulnerable population. Youth experiencing homelessness cannot gain access to medical services, which leads to health hazards as medical conditions go untreated. Youth can also not obtain safe and legal employment, which further places them at risk of becoming victims of crime.

For many youth, the process of retrieving vital documents is only lessened in difficulty once they are able to receive assistance from their case managers. Homeless youth in schools who are not in homeless service programs might only have their Title I HOPE [Homeless Outreach Program for Education] liaison for support. This is why this bill would allow licensed social workers and Title I HOPE liaisons to obtain vital records together with their clients. I experienced difficulty obtaining my identification card until my case manager at NPHY helped me, and I was able to get one after nearly a year of trying.

This law could help thousands of homeless youth. While the absence of vital documents can prevent youth from employment and postsecondary education, it can even keep them from reunifying with their families. That was the case for two young sisters who were also clients of NPHY. The safest way for them to exit their homeless situation was for them to move in with their grandmother, who lived in a different state. Because they did not have their identification, what would have been a short flight of a few hours to reach their grandmother's house ended up being a bus ride that took approximately five days. These girls were 14 and 15 years old. Being on a Greyhound bus for five days as unaccompanied minors could be extremely dangerous due to the possibilities of kidnapping, sex and labor trafficking, having their belongings stolen, and even getting lost in an unfamiliar location. While they successfully reunified with their grandmother, this is not the case for all youth who experience homelessness.

**Arash Ghafouri, Executive Director, Nevada Partnership for Homeless Youth:**

I would like to talk to you about this very important bill for a few minutes. Youth homelessness is a crisis in Nevada ([Exhibit M](#)). Nevada has the fifth-highest number of homeless youth of any state in the nation. On any given night, more than 1,400 youth and young adults in Nevada are living on the streets or in shelters. This crisis reaches every corner of our state. The prevalence of youth homelessness is identical in rural and urban communities throughout the country. Nevada school districts statewide identified nearly 17,000 students experiencing homelessness in the 2016 and 2017 school year, almost 1,500 of whom were unaccompanied. This is a striking 43 percent increase over the prior year.

Without these services and support, youth experiencing homelessness are extremely vulnerable to assault; 70 percent of homeless youth report experiencing some form of violence, 32 percent of which includes sexual assault. They are extremely vulnerable to sex trafficking, where 40 percent of homeless youth are victims of sex trafficking at least once in a given year. They are extremely vulnerable to suicide, where homeless youth are 7.2 times more likely than housed teenagers to attempt suicide.

Tragically, despite their best efforts, homeless youth cannot access help because they lack basic documents like birth certificates and photo identification cards. Without these vital documents, youth cannot secure employment or enroll in postsecondary education or training programs. They are stymied in their efforts to work toward independence and leaving their homeless situation permanently behind.

Assembly Bill 363 will provide a one-time fee waiver for state identification cards and driver's licenses for homeless youth under the age of 25. It will provide birth certificates to homeless youth through school district liaisons and social workers at no cost. It will allow unaccompanied youth to obtain statements of birth at no cost for the purpose of admission to school or for securing employment. States like Florida, Kentucky, and Wyoming have passed similar laws.

Facilitating access to these vital documents is an extremely low-cost way to provide key support to homeless youth who are striving to work, study, and find independence and stability. As Ms. Hall said, removing barriers to their vital documents is a passport to a whole new life for these youth.

**Assemblyman Thompson:**

I will walk you through the bill. Sections 1 and 2 of this bill require the Department of Motor Vehicles (DMV) to waive all fees, including any reimbursement of any potential vendor fees for furnishing an original or duplicate driver's license. I want to say, we have "original" in the bill because, unfortunately, this is the starting point for our young people. In the current bill, it is a duplication for a homeless adult, so they should have already had that identification. I also want to state that we are going to be including the \$25 that is necessary for the driver's test, which is very important. We will have a conceptual amendment that will come forth. Again, it is for a homeless child or youth under 25 years of age. It also provides for the determination of a homeless child or youth.

Section 3 has three provisions that clarify a homeless child or youth is entitled to a free certified copy of a record of birth. It authorizes social workers licensed in this state and persons designated by a local educational agency—basically a school district—to obtain a certified copy of a record of birth on behalf of a homeless child or youth. I want to reiterate that this is huge. Overall, for the homeless population to obtain their birth certificate is the starting point to getting state identification. Lastly, it requires the State Registrar to provide an unaccompanied youth, without the payment of a fee, a certificate limited to a statement as to the date of birth of the unaccompanied youth as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

The end of section 4 has the effective date of July 1, 2019. However, because we have been working with DMV to really make this happen and flow without any hitches, we would like to move that date to January 1, 2020. That concludes my presentation, and we are open for any questions you may have.

**Chair Monroe-Moreno:**

This is a very important subject matter. We have a rising number of homelessness in our state, but especially homeless youth. We do have a few questions for you.

**Assemblyman Leavitt:**

I see the value in this bill. When trying to identify persons, especially persons who have not been identified for a long period of time, how do you reconcile those youth under age 25 who have not ever had any type of identification? How do you figure out who is who? With identity theft being very prominent in society today, how do you effectively identify those youth who have not been in a system for a very long time?

**Assemblyman Thompson:**

I think Mr. Ghafoori can actually answer that question. When the DMV comes forward, they can clarify the process they use.

**Arash Ghafoori:**

Essentially, with Assembly Bill 363, it is not at all touching any of the procedures used to verify the identity of an individual. Rather, this bill is simply asking for fee waivers to remove barriers for homeless youth being able to access these documents. All laws and statutes involving procedures for identifying individuals in our state and furnishing certificates or identification cards will still be followed. The bill simply involves the removal of fees and any other barriers to make sure it is easier for youth to access these documents.

**Assemblyman Leavitt:**

It was mentioned that you seek to obtain birth certificates through this process. That is another area of soft concern. Could you talk to that briefly?

**Arash Ghafoori:**

I am sure the DMV could be more of a technical expert than me. However, a birth certificate is the first step toward obtaining an identification card and not the only tool used in verifying an identity for the purpose of issuing a photo identification or a driver's license. The birth certificate is just one step and it alone is not a complete verification in obtaining vital documents to my knowledge.

**April Sanborn, Services Manager III, Management Services and Programs,  
Department of Motor Vehicles:**

Obviously, this is going to be a big challenge. As a department, we have the responsibility to protect the integrity of the identification credentials we issue. For a Real Identification Card, we have no wiggle room whatsoever. When we are dealing with our standard identification, we do have a little bit of wiggle room. We would still obviously like to see the birth

certificate. In the event that we have some sort of extenuating circumstance, such as Mr. Ghafoori reaching out to us with certain documents, but the individual cannot get the birth certificate for whatever reason, we can work with them to see if we can get that individual a credential.

**Assemblyman Thompson:**

I totally understand what you are saying because it could be a U.S. Department of Homeland Security issue. Because the youth are in school, they are working with case managers, counselors, and social workers. This would just be for the youth who were born in Nevada. If they are from another state, there is usually a process. Technically, birth certificates can be issued through an online process. I understand your concern about knowing if a person is truly who they say they are. The DMV does their due diligence to do the best matching possible to determine that person really is who they say they are.

**Assemblyman Ellison:**

What if there is a child who has been here for a while and is undocumented and there are no records? You need to get them some identification in order to go to school or get a job. How would you address those who were not born in this country?

**April Sanborn:**

We have some of those issues that come up today. With the Real Identification requirements we cannot do anything. However, with our standard identification, we do have an allotment that allows us, with extenuating circumstances, to look for other things. Some examples would be a high school yearbook or other substantial documentation that could show a history of who they say they are. With that, we have some verifications we conduct, such as social security verification and other processes. At the end of the day, if we cannot offer a standard identification, there is the opportunity for the driver authorization card. It is not used for identification, but at least they would have the opportunity to be able to drive.

**Assemblywoman Backus:**

I sometimes represent kids who are in foster care. They do go on walkabouts before they age out of the system. Thinking of one of my clients, I am curious as to the procedures of DMV to get a driver's license for a homeless youth. What would be acceptable for DMV?

**April Sanborn:**

The process for an individual, whether they are homeless or otherwise, would be to present the proper documentation to prove name and date of birth, proof of a social security number, and proof of Nevada physical residency. If they are of a certain age, there would be testing requirements and the possibility of having an instruction permit if we are talking about moving toward a driver's license. If we are talking only about identification, testing would not be necessary.



**Assemblywoman Backus:**

If someone is a homeless youth and does not have an address, I am imagining almost all identification shows the address and proof of residency. How do you fulfill that requirement? I was reading there is an affidavit they could sign attesting to the fact they are a homeless youth to avoid the fee. Would that be adequate? I am worried about the address aspect.

**April Sanborn:**

We currently work with recently released prisoners. Obviously, their challenge is having documentation to prove residency. We know where they have been. We work with some of the halfway houses and other organizations and have created documentation. We are willing to do that as well. We could certainly work with them to prove a physical residence.

**Assemblywoman Bilbray-Axelrod:**

I may be missing something, so please bear with me. I recently had a young man who I helped get a birth certificate. It took about a year and a half. We went to a vital records department based in St. Louis, Missouri. He did not have a credit card, so I put it on my credit card which was a different name. It was unbelievable what we had to go through. Is there a state entity that could possibly give birth certificates to youth?

**Assemblyman Thompson:**

We have a few nonprofit providers I can speak to in southern Nevada. You have to realize it is a pot of money for all homeless. Mostly homeless adults will access that service. It is very limited and depends on which state the individuals were born in because there are different prices. Some states charge \$100 or more and some states are cheaper. We do not have enough resources for the starting point of getting the birth certificate so they can go through the process with DMV.

**Arash Ghafoori:**

The birth certificates pertain to only individuals who were born in Nevada. The State Registrar can also provide the statement of birth free of charge to youth under A.B. 363 as well.

**Chair Monroe-Moreno:**

Seeing no further questions from the Committee, I will open the hearing for those who would like to testify in support of A.B. 363 in Carson City and Las Vegas.

**Emily Paulsen, Executive Director, Nevada Homeless Alliance:**

I urge you to support this bill. I remember when I was 15 years old, I got my first dream job as a lifeguard. It was a very formative work experience and paid well. I remember it took a lot of preparation and planning to get the job. What I remember most about that was how dependent I was on my mom. I remember my mom having to look through her files to find my birth certificate, but she could not find it. She realized she needed to order another copy. She took care of that without me. I remember going to the DMV with her and sitting there for several hours. She drove me, of course, and made sure we had McDonald's to snack on

while we were there. I remember her being excited that this was a milestone experience to help her teenage daughter get her first state identification card. Of course, she helped me by circling job opportunities in the newspaper. She drove me to my job interviews. With her help, I was able to secure that first employment experience. I was fortunate to have a parent who could provide that support.

There are thousands of youth in our state who are not so fortunate. These milestones that we celebrate as young adults and parents can be an extreme challenge. As Mr. Ghafoori said, youth homelessness is a crisis in our state. We have to do everything we can, and this is a simple solution to a very complex problem. We need to do this. I urge your support of A.B. 363.

**Fuila Riley, President/CEO, HELP of Southern Nevada:**

HELP of Southern Nevada is the operator of the Shannon West Homeless Youth Center. We currently have 90 beds at Shannon West that are filled every night with 12 in overflow capacity. We urge your support on this bill.

For many of the youth we encounter, one of their biggest barriers is the lack of identification when they come to us. Additionally, we operate a work readiness program for youth. Having no identification is also an obstacle in that area. A pathway to a career is very difficult for the many youth who spend time with us. Because of the need in southern Nevada, we are aiming to open an additional 60 beds this year to top out at 150 beds. We know this is one of the biggest barriers that our youth face and actually lengthens their stay with us because of the time it takes to get identification. Again, we urge your support in the passing of this bill.

**Karen Gordon, State Coordinator, Nevada Homeless Education Program, Office of Student and School Supports, Department of Education:**

One of my job responsibilities is to oversee the revision and review of regulations, practices, and policies that might create a barrier for our homeless students in enrolling for and obtaining an education and having success in school.

The federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 has a state coordinator in every state. Each of our districts has a McKinney-Vento liaison. One of the barriers I see over and over again is the liaisons and the school districts trying to obtain vital records for families and children, but most importantly, unaccompanied homeless youth. I am here in full support of this bill, and I believe it is a low-cost way to remove some of the existing barriers for our homeless youth.

**David Boire, Policy Intern, Children's Advocacy Alliance:**

Most individuals and Nevadans realize we have a large challenge when it comes to homelessness, and especially youth homeless in Nevada. In recent studies, Nevada has placed as one of the lowest states across the nation for the high number of youth

homelessness across the state. For many in this population, obtaining identification has multiple challenges. One of the pressing issues that deters homeless youth from the acquisition of a driver's license or identification card is the underlying fact that they do not possess the money required to obtain one.

Not having a form of acceptable identification can cause a multitude of hardships for a group that is already vulnerable and facing an uphill battle to begin with. Without identification, homeless individuals and youth are often not able to access many of the benefits they qualify for, subsequently blocking their path to self-sufficiency.

The first vital step many youths take to gain their independence is their acquisition of an identification card. Identification is essential to being able to obtain employment, do banking, and in most cases, to obtain housing. This legislation should deliver a greatly needed hand up to one of our most challenged and, oftentimes, overlooked populations. I would like to thank Assemblyman Thompson for his hard work and diligence on this piece of legislation.

**Chair Monroe-Moreno:**

Seeing no further testimony in support, I will open the hearing to those who would like to testify in opposition? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

**Thomas Martin, Management Analyst, Division of Management Services and Programs, Department of Motor Vehicles:**

I would like to thank Assemblyman Thompson and Mr. Ghafoori for the opportunity for the DMV to be involved in the conversations for the amendments to A.B. 363. The DMV is neutral on this bill. I know many questions have already been asked, but I am also available for any additional questions you may have.

**Chair Monroe-Moreno:**

Seeing no further testimony in neutral, does the sponsor have any closing remarks?

**Assemblyman Thompson:**

I am honored to serve as the Chairman of the Assembly Committee on Education. We get really excited about high graduation rates. However, in this situation, we just do not want to see our homeless youth graduate into homeless adults. If we do, we know that extends more access to our social service systems. Thank you for your time, and please support A.B. 363.

**Chair Monroe-Moreno:**

I will close the hearing on Assembly Bill 363. I will open the hearing for Assembly Bill 483 and welcome Assemblyman Watts to the table.

**Assembly Bill 483: Revises provisions relating to motor vehicles. (BDR 43-871)**

**Assemblyman Howard Watts, Assembly District No. 15:**

I am proud to be here today to present Assembly Bill 483. I want to talk very briefly about the genesis of this bill, and then I will quickly walk you through the provisions and take any questions you may have.

There have been a lot of conversations about challenges we are facing to fund our highway system and roadways. There are many factors that are part of those challenges: there is the state aspect and the federal aspect, the growing increase of efficiency in our vehicles, the impacts of inflation, and the rise of alternative fuel vehicles all playing a role. There have been several measures introduced in the past and in this legislative session to address components of that issue.

I was able to participate in a stakeholder group convened by Chair Monroe-Moreno to discuss some of these issues and figure out a path forward. One of the things that came out of that discussion was the need for us to study the issue with an eye toward 2025, when some of our fuel revenue indexing is set to expire, and to figure out a comprehensive and equitable solution to fund our roadway infrastructure in the state. That solution is data-driven.

One of the concepts that has been discussed is a form of vehicle-miles-traveled-based funding for our roadways. One of the things that was identified is more data is needed so we can understand exactly how that system would be set up. We need more data on the miles that are traveled by vehicles in the state currently. This bill addresses the data piece of that puzzle.

This bill does not have a specific plan to change our funding formula. It does not address the need to study options and move in that direction. It really focuses on developing a pilot program so that we can get the data we need to inform those decisions and those options going forward.

That is the purpose of Assembly Bill 483. I will quickly walk you through the main provisions of the bill. Section 2 of the bill is a legislative declaration that discusses some of the issues I just spoke about. In section 2, subsection 2, it directs the Department of Motor Vehicles (DMV) to gather data on vehicle miles traveled and to compile a report broken down by the type of vehicle, the weight, and other categories as DMV sees fit. The DMV will prepare a report every six months, starting with the first view at the end of 2020, and submit those to either the Legislative Counsel Bureau or the Legislature if in session, including both this Committee and the Senate Committee on Growth and Infrastructure.

Section 3 discusses how that data will be collected. It requires that odometer readings be provided at the initial registration of a vehicle and upon the transfer of that vehicle. It then requires that, during smog checks in counties where smog checks are required on vehicles, mileage would be collected and reported during the smog check. For those counties or on

vehicles where smog checks are not required, the mileage would be self-reported upon the renewal of registration in a manner created by DMV. The DMV can verify those odometer readings no more than once every two years.

I want to make clear there is no penalty in the bill. Again, the main purpose of this bill is to gather data to help inform decisions as we look at potential changes for that comprehensive and equitable infrastructure funding solution. I also want to make clear that the intent is not to cover commercial vehicles in this bill. I think there will be others who will speak to the fact that commercial vehicles are actually gathering some of that data. We can then bring in the data that is already being collected into the study and deliberation process. We are happy to make any adjustments to the bill to make sure that is clear.

The remainder of the bill makes conforming changes. That is Assembly Bill 483, and since I know we have been here for quite a while, I will conclude my remarks and take questions.

**Chair Monroe-Moreno:**

Are there any questions from the members?

**Assemblyman Leavitt:**

Is there a provision in the bill that would obtain data from vehicles such as taxis or rideshare vehicles that travel more than the average?

**Assemblyman Watts:**

In section 2, subsection 3, it states, "Upon receipt of the information obtained pursuant to section 3 of this act, the Department shall compile the data and prepare a report on the annual vehicle miles traveled of motor vehicles in this State by categories determined by the Department, including, without limitation." It then describes both the vehicle categories, weight classes, and fuel types. Another category that could be included may be trying to determine if they are used in rideshares. As far as I know, since those are not defined as commercial vehicles, that mileage would be getting collected under the process described in section 3. I will let other folks speak to the potential for breaking some of those categories out. We have a wide variety of driving habits, work habits, and other things that cause the mileage to vary. That is one of the reasons why we are trying to put this bill forward, because if we were to move toward a mileage-based system, we currently do not know how much mileage is being put on vehicles. When we develop some kind of formula related to that, we want to have that data.

**Chair Monroe-Moreno:**

It does not matter how the vehicle is being used. The vehicles in our state have to be registered every year. No matter how the vehicle is used, the mileage will be calculated and that information stored whether I drive 5 miles throughout the year or 5,000 miles throughout the year. Is that correct?

**Assemblyman Watts:**

Yes, that is absolutely correct. I just want to reiterate that this is a data gathering exercise to help inform future decisions we make. It does not matter what mileage is being driven, we want to get that information to help make decisions as we look at infrastructure funding moving forward.

**Assemblyman Yeager:**

In section 3, subsection 4 it says the provisions do not apply to motorcycles or mopeds. Why do we have that exclusion?

**Assemblyman Watts:**

I believe that is because of some of the difficulties in collecting odometer readings. Others may be able to speak to that. If it is not easy for a particular transportation device to register the miles that are traveled, we do not want to put an undue burden on folks.

**Assemblyman Yeager:**

I saw some folks behind you nodding yes, so I think your answer was likely correct. In that same area of the bill, section 3, subsection 5, it says the Department may inspect the odometer. I want to make sure it is on the record that this is not going to require DMV to do a confirming inspection every two years, it is just that they may do that.

**Assemblyman Watts:**

That is correct. Again, there are no penalties associated with this bill. We want to be able to gather data from all around the state, including those areas where there are not annual smog checks. We want to give DMV the option to potentially verify those odometer readings for the purpose of data collection and verification, but it would be no more than once every two years. It is permissive, not required. If there is a discrepancy, there is no penalty associated with that in this bill.

**Assemblyman Yeager:**

I am not sure if you can answer this question. We have smog checks in Clark County, but do we have smog checks in Reno? I am seeing people nod yes. Obviously, it would be easier in those counties that have smog checks. I also think we want to try to incentivize those who are not in those two counties to accurately report. I suspect what we are going to see is a lot more miles being driven in those areas due to not being urban cores. I do not really have any suggestions about how to do that, but if we are getting most of the reporting out of the two urban areas, it might skew the numbers to the low end. I will continue to think about that and let you know if I come up with something to make it work.

**Assemblyman Watts:**

I appreciate that. That is part of our intent as well, especially as we look toward the future and using this data to figure out what our next steps are going to be. We want to make sure we are getting information from those rural areas. As we crunch those numbers and potentially do modeling on different scenarios, we want to come up with something that is fair and equitable to every community in the state.

**Chair Monroe-Moreno:**

In the conversations that were shared in the stakeholder meetings, do you remember the percentage of vehicles on the roads in the two counties where smog checks are required?

**Assemblyman Watts:**

I do not recall. Perhaps the DMV could provide that when they come up to speak, but I think it is around 85 to 87 percent.

**Chair Monroe-Moreno:**

Seeing no further questions from the Committee, I will open the hearing for those who would like to testify in support of Assembly Bill 483 in Carson City and Las Vegas.

**Jaron S. Hildebrand, Manager, Government Affairs, Nevada Trucking Association:**

The Nevada Trucking Association is in support of Assembly Bill 483. I would like to touch on a few points. Assemblyman Watts is absolutely correct in that we do already have reporting mechanisms through the International Fuel Tax Agreement and the International Registration Plan (IRP). I believe the IRP is reporting 2.9 million trucks that are registered, so we do report back. We do believe there is a federal solution as well. In the current infrastructure proposal, there is a 25-cent fuel increase. In that proposal there is a "pennies for progress," so every penny of the 25 cents is going to look at vehicle miles traveled going forward. Congressman Peter Defazio is from Oregon and there is a pseudo vehicle miles traveled already established there. He does believe vehicle miles traveled is roughly a decade away from actually being feasible. We do support this bill for collecting data, and we are making sure we are doing our due diligence.

**Alysia Peters, representing Tesla, Inc.:**

We would like to thank Assemblywoman Monroe-Moreno for facilitating the discussions that led to Assembly Bill 483. We believe this legislation is a key first step to solving Nevada's long term infrastructure funding needs. The DMV's consistent and accurate collection of motor vehicle types, power sources, and mileage data will not only provide decision makers with a more complete picture of our transportation landscape, but also serve as the basis for formulating both sustainable and equitable funding solutions going forward.

Assembly Bill 483 addresses data collection gaps and sets forth an important policy framework in support of sustainable infrastructure funding models that will ensure Nevada is best positioned to both meet its infrastructure funding goals as well as its environmental goals. Tesla, Inc. is committed to being a part of the solution and we look forward to working on this issue in the interim.

**Jessica Ferrato, representing Advanced Energy Economy:**

Advanced Energy Economy is a national business organization that works to make energy use in Nevada and other states more clean, accessible, secure, and affordable. Advanced Energy Economy technologies include services such as renewable energy, energy efficiency,

electric vehicles, charging infrastructure, demand response, and services that promote a smart and reliable grid. Members of our organization include companies like Facebook, Microsoft, Proterra, and others in the manufacturing, developing, and purchasing of clean energy products and services.

We would like to thank Madam Chair and Assemblyman Watts for their time in the stakeholder process and communicating an open, transparent dialogue with all industries. We applaud the effort put forward by the Assembly Committee on Growth and Infrastructure and support Assembly Bill 483, as the bill aims to gather a valuable, appropriate data approach to their holistic policymaking.

We support the bill for the following reasons: It utilizes actual usage data based on a number of variables to determine the best path to bridging the infrastructure gap; it insures all users of the road are paying their fair share; and it provides an accurate count of the type of vehicle impacts on Nevada roads.

**Dylan Sullivan, Senior Scientist, Energy and Transportation Program, Natural Resources Defense Council:**

The Natural Resources Defense Council (NRDC) is a member-based environmental advocacy group with around 19,000 members and activists in Nevada. I would first like to thank Chair Monroe-Moreno, Assemblyman Watts, and members of the Committee for bringing this bill forward. We support this bill because it would help gather information and put in place data infrastructure that will be useful as the state develops ideas of how to fund its transportation system in the future. The NRDC believes the state should consider a broad range of options in addition to the concept of revenue collection on annual vehicle miles traveled that the bill calls out. We look forward to working with the Committee to vet a broad set of options to fund transportation.

**Kyle J. Davis, representing Nevada Conservation League:**

We are here in support of Assembly Bill 483. We appreciate Chair Monroe-Moreno and Assemblyman Watts bringing the bill forward. This is an important issue that we need to look at. A number of the speakers before me have covered most of the topics, so I will just say we are in support of the bill.

**Tom Polikalas, Nevada Representative, Southwest Energy Efficiency Project:**

The Southwest Energy Efficiency Project is a nonprofit organization that works to advance energy efficiency and clean transportation in six states. I am here to echo support for A.B. 483. Transportation is now, according to the Division of Environmental Protection, State Department of Conservation and Natural Resources, the single largest emitter of greenhouse gases in the state. From an economic standpoint, it is the sector on which we as consumers spend the most money. Funding transportation is a vital concern. Without being redundant, studies have shown that data-driven organizations make much better strategic decisions. This bill is a key step in that direction.



**Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association:**

The Nevada Franchised Auto Dealers Association is in support of A.B. 483. We echo all the previous comments. When tackling something as important as infrastructure in Nevada, which is clearly a quality of life issue, the best way to do it is with good solid data. I think that is what we are going to get here instead of spit-balling ideas to randomly do this or that. As Mr. Hildebrand referenced, we may have a—I do not want to say solution, but maybe a Band-Aid—at the federal level. We cannot depend on anything that is occurring in Congress, as everyone is aware. I applaud Madam Chair and Assemblyman Watts for jumping in front of this and grabbing the bull by the horns.

**Chair Monroe-Moreno:**

Seeing no further testimony in support, is there anyone here who would like to testify in opposition of A.B. 483? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

**Dawn Lietz, Administrator, Motor Carrier Division, Department of Motor Vehicles:**

I would like to thank Chair Monroe-Moreno for inviting us to attend the stakeholder meetings. I think DMV recognizes the importance of this effort, although we do have some concerns and some things we need to work out logistically. I would like to go on the record with some of those things today so we can work with you.

The bill directs the Department to conduct a pilot program to gather the data on the annual vehicle miles traveled through odometer readings. The bill also indicates other relevant information, but it is not specified. We are going to need clarification on this issue.

Although we do not believe it is the intent of the Committee or the bill sponsors to make this process complicated, the only exemptions for this are motorcycles and mopeds. It includes every vehicle weight class and fuel type that is registered with the Department. Since a vehicle can fall under multiple weight classes and fuel classes based on the type and use of the vehicle, the report may have multiple categories that I do not know if you recognize that we would be opening the door to. For example, a Toyota Highlander can be purchased as a gasoline model or a hybrid model. It can also be used as a passenger vehicle to carry a family and be registered at 6,000 pounds or less, but it can be used to haul a small trailer and fall in the 6,001 to 8,400 pound category. It can even haul a small boat putting it in the 8,500 to 10,000 pound category.

Those are logistics that we are going to have to work out and determine how detailed you want the information that is going to come back. Obviously, the more categories we have the more programming we are going to need to be able to extract some of that data. We want to make sure it is clear that it is not always as easy as a type and a weight when it comes to the information we have to collect.

Using the Department's summary registration data by county for 2018, there are approximately 513,000 vehicles that do not fall into Clark County or Washoe County. To answer the previous question, it is about 18 percent of the vehicles. Those are passenger

vehicles and do not include commercial vehicles. That 18 percent does not include vehicles that are less than two years old or hybrids that are less than five years old that are currently registered in Clark County or Washoe County that do not require smog checks until they hit the two- to five-year mark. It also does not include any exempt vehicles for government entities regardless of the county they are in.

We have already talked about commercial vehicles being removed from this study. However, I do want to go on the record to indicate that the IRP does not collect vehicle data by individual unit, it collects summary data by company. Every vehicle is deemed registered in Nevada under IRP if it is apportioned because there is a reciprocity agreement. All 2.9 million vehicles are deemed registered in Nevada. We will be able to extract some information from IRP that will be able to identify the number of companies and the number of miles traveled in Nevada. We may not be able to do it by the number of trucks it represents. I want to be clear that some of that information is going to be a little bit different than what we capture at the DMV.

Section 2, subsection 5 of the bill grants the authority for the Department to accept donations, grants, and gifts, but there is no other funding mentioned. Due to the timing of this hearing, the Department does have a fiscal note we are working on. It is still being generated and should be available by the end of next week.

Lastly, section 3, subsection 2, paragraph (a) requires emission stations to report the odometer reading along with the evidence of compliance. If the vehicle does not require emissions testing, it requires the registered owner to provide the odometer information in the manner that is prescribed by the Department [section 3, subsection 2, paragraph (b)]. Therefore, the way that is written [section 3, subsection 1], using the word "shall", the Department's assumption is that the intent of this body is that any vehicle owner who fails to comply with this requirement would not be granted registration until compliance with this section is met. If that is not the intent, we may need to put "may" in the wording instead of "shall"—I am not sure—or the Department would not be held to that standard of holding up a vehicle registration. We need to make sure if the law says we shall do it, then we have to do it in order to provide the owner with the registration. That could create some unintended consequences.

We would like to work with the bill sponsors and the Committee as we finalize the language in this bill to make sure we understand the technical requirements of the Department and understand the needs of the Committee. We recognize that we want to identify the elements that are going to give us the most important information for the study moving forward, so we want to make sure we identify what elements are truly needed and which ones may be something for future data collection.

**Chair Monroe-Moreno:**

I do not have a question, but I do have a comment. As the Chair of this Committee, and as the person who hosted the stakeholder meetings, I know for a fact that you heard the importance of this issue by those who were in those stakeholder meetings that got us to the

creation of this bill. It was your Department that said you were not collecting the data that we needed, so I made sure we had enabling language and used language you provided to help create this bill. I want you to know, and I want your Department to know, that this is extremely important, not just for this Committee but for the state. We only have a few days to get this bill out of my Committee and on the floor of the Assembly.

I implore you to be open and flexible in getting this legislation done because it is not just something that is important to me or these Committee members, it is important to the future of how we fund the roads in this state. We cannot get to that without this piece of legislation.

**Dawn Lietz:**

The Department totally understands that and wants to work with you. We just want to make sure whatever we come up with in the final language is not something that is going to create some unintended consequences for your constituents or for the DMV.

**Chair Monroe-Moreno:**

I appreciate that. Is there any further testimony in neutral?

**Charlene Albee, Division Director, Air Quality Management, Washoe County Health District:**

We are neutral on this bill. However, I do want to point out that the data being proposed to be collected in this bill would be invaluable for air quality planning purposes. We have identified to this Committee before the struggles we are having with attaining the ozone and ambient air quality standards in both Clark County and Washoe County. Vehicles do represent the largest contributors of ozone precursors in our area.

We work very hard to try to see what we have going on so we can put control strategies and plans in place. Recently, the Reno City Planning Commission asked us what the capacity of the Truckee Meadows area was to handle new development because all new development comes with vehicle miles traveled that are connected. We could not come up with a good answer. We are working with the Truckee Meadows Regional Planning Agency and the Regional Transportation Commission of Washoe County to come up with a best guess. If we had actual data like this, it would almost be the golden egg for us. That would show us where we are at, we can compare it with our monitoring data, and we can actually give a path forward. It would also give us the ability to have a measurable process to see the effectiveness of our programs, whether it is promoting alternative transportation, connectivity with new development, the alternate fuels program, and a wide variety of other things we are doing to try to make a healthier community. We could see what is working and it would help point out what we could put our efforts toward. We strongly recommend and would support the data being collected.

**Chair Monroe-Moreno:**

I would like to talk to you off record so we can come up with a system where we can collect that information.

Seeing no further testimony in neutral, are there any closing remarks from the sponsor?

**Assemblyman Watts:**

As was touched upon, our roadways and infrastructure are critical for our quality of life and for our economy. It faces challenges in how it is going to be funded, both for basic maintenance as well as the expansion in order to be competitive in the future. It is critical that we come up with a solution to make sure we can make those proper investments. It is critical that the solution is comprehensive, equitable, and data-driven. I am very excited that we can also look at some public health impacts through the data collection in this bill.

I will emphasize the point made by Chair Monroe-Moreno that this is important and only the start of the process. It is not the end, but it is important that we begin the process of collecting this data as well to embark on this process. We must move this bill forward. In the process of moving the bill forward, we are happy to work on the clarity to make sure some of the additional categories and information are incorporated so we can make the most out of the data that is being collected. I thank you for your time and I urge the Committee's support.

**Chair Monroe-Moreno:**

I will close the hearing on A.B. 483. Is there anyone here for public comment? [There was no one.]

As I said in our last meeting, we only have a few days to hear a large number of bills. Keep a look out for our agenda. Whenever I get an opportunity to start an hour earlier so we can work through a few more bills, I will do so. I feel if someone has worked on a bill, they have the right to have that bill heard. I am trying to accomplish that goal.

This meeting is adjourned [at 3:11 p.m.].

RESPECTFULLY SUBMITTED:

---

Lori McCleary  
Committee Secretary

APPROVED BY:

---

Assemblywoman Daniele Monroe-Moreno, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for Assembly Bill 54, dated March 28, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for Assembly Bill 98, dated March 28, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for Assembly Bill 177, dated March 28, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for Assembly Bill 193, dated March 28, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for Assembly Bill 231, dated March 28, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is a proposed amendment to Assembly Bill 316, dated March 27, 2019, prepared by the Research Division, presented by Assemblywoman Jill Tolles, Assembly District No. 25.

[Exhibit I](#) is a documented titled "Making Nevada Safer: 24/7 Sobriety Program," provided by the Office of Traffic Safety, Department of Public Safety, submitted by Assemblywoman Jill Tolles, Assembly District No. 25, regarding Assembly Bill 316.

[Exhibit J](#) is a copy of a PowerPoint presentation titled "Insights from RAND Research on 24/7 Sobriety," presented by Beau Kilmer, Co-Director, RAND Drug Policy Research Center, RAND Corporation, regarding Assembly Bill 316.

[Exhibit K](#) is a copy of a PowerPoint presentation titled "24/7 Sobriety Programs," dated March 28, 2019, submitted by Scott Swain, Law Enforcement Liaison, Office of Traffic Safety, Department of Public Safety.

[Exhibit L](#) is written testimony submitted by Illona Mager, Private Citizen, Sparks, Nevada, dated March 24, 2019, in support of Assembly Bill 316.

[Exhibit M](#) is written testimony presented by Arash Ghafoori, Executive Director, Nevada Partnership for Homeless Youth, in support of Assembly Bill 363.