

**MINUTES OF THE
SENATE COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eighty-first Session
May 12, 2021**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:34 p.m. on Wednesday, May 12, 2021, Online and in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dallas Harris, Chair
Senator Chris Brooks, Vice Chair
Senator Pat Spearman
Senator Scott Hammond
Senator Keith F. Pickard

STAFF MEMBERS PRESENT:

Susan Scholley, Policy Analyst
Eileen O'Grady, Counsel
Debbie Shope, Committee Secretary

OTHERS PRESENT:

David Bobzien, Director, Governor's Office of Energy
Robin Yochum, Program Manager, Governor's Office of Energy
Dylan Sullivan, Senior Scientist, Natural Resources Defense Council
Christi Cabrera, Nevada Conservation League
Christine Brinker, Southwest Energy Efficiency Project
Virginia Valentine, President, Nevada Resort Association

CHAIR HARRIS:

We will open the hearing on Senate Bill (S.B.) 442.

SENATE BILL 442: Prospectively eliminates the program to provide a partial abatement of property taxes for certain buildings and structures which meet certain energy efficiency standards. (BDR 58-1070)

DAVID BOBZIEN (Director, Governor's Office of Energy):

We are here to present S.B. 442 which is a program to provide the partial abatement of property taxes for certain buildings and structures that meet specific energy efficiency standards. This is regarding the Green Building Tax Abatement (GBTA) program. Robin Yochum will walk through the logic and rationale behind the recommendation to retire the program. This is a prospective retirement and existing abatements will continue.

Jumping to the end of the bill, the effective date of this legislation is upon passage. You will hear testimony from the Nevada Resort Association indicating an interest in exploring a later effective date. We began that conversation and have not come to an agreement at this time but look forward to working with the Association on the issue. This is also a budget bill and is part of Governor Steve Sisolak's recommended budget.

ROBIN YOCHUM (Program Manager, Governor's Office of Energy):

Before we review the GBTA program, I will give you context regarding the International Energy Conservation Code (IECC). *Nevada Revised Statutes* (NRS) 701.220 directs the Governor's Office of Energy (GOE) to adopt the most recent published version of the IECC every three years as noted in the slide presentation ([Exhibit B](#)).

Each iteration of the IECC increases the efficacy of newly constructed commercial and residential buildings. The 2012 IECC was more efficient than the 2009 IECC and the 2015 IECC slightly more efficient than the 2012 IECC. However, the 2018 IECC was determined to be 16 percent more efficient than the 2012 IECC which showed one of the largest increases in efficiency in the different iterations of the IECC. The GOE adopted the 2018 IECC in July 2018. The GOE is in the process of adopting the 2021 IECC, which is approximately 10 percent more efficient than the 2018 version.

This means the 2021 IECC will be 26 percent more efficient than the 2012 version. The 2012 IECC is the baseline for comparison in the rating systems that participate in the program. Once the 2021 IECC is adopted, abatements will be awarded for projects that construct to the State-adopted code.

The GOE along with multiple State agencies participated in the development of the State Climate Strategy. In the Strategy, the continued adoption of energy codes was analyzed. It was determined that energy codes are instrumental in

achieving Nevada's climate goals. According to the U.S. Department of Energy, energy codes are projected to save U.S. homes and businesses approximately \$126 billion between 2012 and 2040. The numbers are calculated with the assumption that new updated codes will continue being adopted.

Multiple benefits exist to adopting the most recent version of the IECC. We have examples on Slide 4, [Exhibit B](#), including lower energy bills, healthier indoor environments and energy-efficient homes and businesses to help meet the State's climate goals.

I will address the GBTA program and how energy codes play a role in awarding the abatements. In 2005, the GBTA program was enacted to address an energy market substantially different than today's market. It provided an incentive to business owners to increase the efficiency of the built environment in the State in an effort to bring new businesses and jobs to Nevada.

Nevada Revisited Statutes 701A.100 specifies that the Leadership in Energy and Environmental Design (LEED) rating system or equivalent is the rating system in which projects are required to certify to receive the abatement. In 2013, GOE through regulation adopted the GBTA system as the equivalent rating system for certification.

The energy points achieved in the new construction rating system utilize the 2012 IECC or the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2010 standard on Slide 5, [Exhibit B](#). It is the baseline for comparison to award the specific energy points as dictated in NRS 701A.100 and NRS 701A.110.

Existing building is compared to the national database of comparison properties known as the Commercial Building Energy Consumption Survey, which is provided by the U.S. Energy Information Administration. Most of the comparison properties were built prior to 1980.

The IECC increases the required efficiency of newly constructed buildings every three years. The continuance of the GBTA program after the 2021 IECC has been adopted. It will allow owners to receive an abatement for building to the minimum standard already adopted. The State is no longer aligning with the intent of the program as initially established in NRS.

Upon adoption of the 2018 IECC by GOE, local jurisdictions followed suit and the largest populated areas in the State adopted the 2018 IECC. By July 2020, 47 percent of the jurisdictions in the State had adopted the 2018 IECC, which represent 96.5 percent of Nevada's population.

Slide 7, [Exhibit B](#), shows which jurisdictions, counties and municipalities adopted the 2018 IECC. It includes Clark, Washoe, Storey, Carson City, Douglas, Elko and Nye counties. These areas which had one or more projects in their jurisdiction have been awarded an abatement.

Slide 8, [Exhibit B](#), shows the different counties and the percentage of projects awarded an abatement. The largest portion of the projects, 81 percent, are in Clark County with over half of those projects being a resort-casino type of project.

Abatements are awarded for achieving certification through either the LEED or the Green Globes rating systems per statute. Out of 221 projects receiving or having received an abatement, 85 of those projects were awarded an abatement utilizing the LEED rating system, and 136 projects utilized the Green Globes rating system.

Slide 9, [Exhibit B](#), shows the projects awarded through LEED comprised 106 million square feet of building stock, and Green Globes 107 million square feet of building stock. Between the two sets of abated projects, it covers 213 million square feet of building stock.

Slide 10, [Exhibit B](#), shows the fiscal impact of the abatements to the counties and municipalities where the abatements were awarded. An estimated \$275 million were abated over the life the program, and the largest portion, roughly \$250 million, is in Clark County.

Upon adoption of the 2018 IECC, the GOE recognized the need to evaluate the efficacy of the GBTA program as the adoption of more efficient codes continues. The GOE contracted with a neutral third-party vendor who had experience in green building practices and the IECC. The vendor evaluated the relationship with the minimum energy efficiency levels required to achieve the specified points in comparison to both the 2018 and the 2021 IECC.

The analysis was sent to the Committee and is discussed in the *Nevada Green Building Tax Abatement Program* which is online ([Exhibit C](#)). I will show a graph which shows the comparison of the 2018 and 2021 IECC. During the analysis, it was noted that upon adoption of the 2018 IECC, the first tier for the abatement for new construction was merely compliant with the required codes.

In statute, the abatements are awarded based on Optimized Energy Performance (OEP) points achieved and the overall level, or the silver, gold or platinum levels, on Slide 13, [Exhibit B](#). The energy points dictate the term of the abatement, which are calculated based on a percentage of improvement over the baseline from the 2012 IECC or the ASHRAE 90.1-2010 standard. Depending on the project, to receive at least five points, the project needs to achieve a 7 percent to 14 percent improvement over the baseline. To receive 7 points requires an 11 percent to 18 percent improvement above the baseline. To receive 11 points, which is the top tier, requires 19 percent to 26 percent improvement above the baseline. The points achieved, whether it will be 5, 7 or 11 or otherwise, dictate the term of the abatement.

Slide 13, [Exhibit B](#), shows that to achieve the highest level, the project is required to attain between 19 percent to 26 percent improvement. As long as projects have the middle portion as well, it equates to achieving that platinum level, and they could receive a 35 percent abatement for up to 10 years. Slide 14, [Exhibit B](#), shows 15 percent of the projects achieved the lowest level, 61 percent of the projects received the gold level and 19 percent achieved the platinum level. This is important as most of the projects achieved a gold level or the equivalent.

The graph on Slide 15, [Exhibit B](#), is the comparison of the baselines and the adopted codes. The graph depicts the minimum and maximum required percentage of improvements over the baseline to achieve the required points. Depending on the points, the green bar is the minimum percentages and range from 7 percent to 19 percent. The dark blue bar range from 14 percent to 26 percent depending on the points achieved.

The light blue bar compares the 2018 IECC against the minimum and maximum percentages of improvement over baseline. The final beige bar at the end compares the 2021 IECC against the minimum and maximums in the rating system. The percentages differ between project types, which is why it has an overlap in the five and seven OEP points awarded.

With adoption of the 2018 IECC, achieving five points awards an abatement for being less efficient than the 2018 IECC and is only 15 percent of the projects, as shown in the graph on Slide 15, [Exhibit B](#). The seven points represent 61 percent of the projects, which is either slightly below or slightly higher for the 2018 IECC. Upon adoption of the 2021 energy codes, 61 percent of the projects will be approximately 8 percent less efficient than the 2021 IECC.

Achieving 11 points or higher, which represents approximately 19 percent of the projects, attains a higher level of efficiency over the 2018 IECC. But, upon the adoption of the 2021 IECC, achieving the 11 OEP point awards and abatement for being compliant with the State-adopted code depends on the percentage of improvement. Over the life of the program, fewer than 15 percent of the projects eligible for any abatement achieved a 26 percent savings over the 2012 IECC.

We will review the challenges with the GBTA program. Since the enactment of NRS 701A in 2005, both new construction and existing building projects could participate in the program. The program was drastically modified during the 2007 Session to address concerns that had arisen after the enactment of the program. In 2011, existing buildings were taken out and only new construction projects could apply.

Prior to 2013, there was no cap on the abatement awarded for existing buildings. However, after the 2013 Session and the enactment of A.B. No. 33 of the 77th Session, the cap of \$100,000 per year per project was implemented. Assembly Bill No. 33 of the 77th Session identified that unless we cap the existing buildings the fiscal impact could be significant to the municipalities and counties.

There have been multiple challenges with the program from its inception, ranging from potential drain on the local governments' budgets, which was addressed in A.B. No. 33 of the 77th Session; awarding abatements to condominium projects without requiring the owners to continue or improve the efficiency of the condominium; and allowing a single building to receive multiple abatements, increasing the amount of abated taxes beyond the established cap. Both of these challenges were addressed through regulation in 2019.

If this bill does not pass, upon adoption of the 2021 IECC, the State will award abatements to building owners for complying with the building code or even

being less efficient than the adopted code. In 2024, GOE and local governments will adopt the 2024 IECC which will again increase the efficiency of the code, perpetuating the cycle. The GOE has concluded that the original intent of the program is no longer being met with increased reduction of required energy codes.

SENATOR PICKARD:

As the IECC improves and more jurisdictions adopt the IECC as a minimum standard, more buildings are already meeting the prior requirements and will be subject to the abatement, is that an accurate?

MR. BOBZIEN:
Yes.

SENATOR PICKARD:

I am familiar with LEED and Green Globes. I have been a part of those type of projects.

My understanding of the purpose for abatement was to incentivize better-than-standard construction. Unless you are stating that the IECC is reaching the maximum of efficiency and we will not expect to become better, why would we not want to continue to incentivize better-than-standard development? What you are doing is removing the financial incentive. It will be more expensive to build to higher-than-standard construction than standard construction. It costs more.

If we are not offering a developer an incentive to spend that money on the development knowing they can be profitable in that development, are we not undermining the whole move toward efficiency? Then we merrily state, "Okay, now everybody has to just meet the standard. We are doing away with an incentive to perform better than standard."

MR. BOBZIEN:

That is a conversation for the future, and an important one. This bill is a recognition that the program will become obsolete as the later additions of the IECC are adopted and are more efficient. I am an optimist that the trajectory of more efficient versions of code has not hit a ceiling and we will see further gains over time.

The point regarding incentivizing high-performance buildings, we are interested in that. The Nevada Climate Strategy recognizes the built environment takes up a large share of our greenhouse gas emissions profile. In time, we will ask what can be done to go beyond and partner with developers to ensure we are creating the space where people can excel and strive for high-performance buildings.

Given the history of the program and the challenges laid out by Ms. Yochum, this Office has repeatedly tried to gain an advantage with different regulatory changes. We had to have everyone on the same page and stop the program. Then we can prepare for a subsequent conversation for what is next.

We look forward to working with you and other members of the Legislature in the future to revisit this topic.

SENATOR PICKARD:

I appreciate the candor. We usually hear avoidance when we discuss eliminating what has been a successful program. I wonder if we are doing this in the wrong order. As a developer, we were trying to build better-than-standard construction from the beginning. It still came down to a money-making proposition. If we cannot make a profit, we will not build. We chose many items to not carry out because we simply could not afford it.

You are making it harder. Rather than stating, "We recognize under the current regulations this program will ultimately be too expensive to the localities," why not develop a new standard to beat? Maintain the future abatements to those that are still better than standard and adopt a higher standard. Eliminating the incentive will slow the progress.

Otherwise, everyone will go back to, "We meet the standard, and who cares about trying to do better." Except for those rare individuals who can afford to perform better than standard on principle alone, you will kill the momentum developed over the past 20 years.

MR. BOBZIEN:

I respectfully disagree with the characterization that it will kill the momentum in green building. The point is if the Legislature does not act, we will be providing incentives for construction that are meeting only the minimum standard. It is not a situation any of us want. I agree with the hope for the future that we revisit it

to ensure an incentive package is available to partner with developing communities so we can incentivize higher performing buildings.

I argue that moving the goalposts is not a matter of should we move it ten yards down the field or just move it. It will be a more complex conversation than just coming to the Legislature and stating, "Hey, here are the goal posts, and we think we should move them forward this far."

We are ready for that conversation with the development community with those interested in green building to see if a future program can be looked at, particularly in the context of meeting our State's climate goals.

DYLAN SULLIVAN (Senior Scientist, Natural Resources Defense Council):

The Natural Resources Defense Council supports S.B. 442 for a couple of reasons. First, the GBTA program might have served a purpose in the past but now is not providing good bang for the buck. According to the independent analysis commissioned by the GOE, buildings can receive an abatement equal to 25 percent of their property taxes for complying with local building codes.

Second, continuously updating and strengthening building and energy codes is a better way to ensure that Nevada's new buildings, large and small, are built correctly the first time. It is because the codes apply to buildings and are designed at the onset to ensure the builders install cost-effective, energy-efficient appliances and building insulation. Every building that is not built efficiently is a costly retrofit that we will require to construct in the future as we further reduce greenhouse gas emissions to address climate change.

CHRISTI CABRERA (Nevada Conservation League):

The Nevada Conservation League supports S.B. 442. We were proud to support the original legislation to create the program in 2005. The program resulted in higher energy efficiency and sustainability standards in many large projects in Nevada. We were proud to work with this Body to adjust the abatements in the 2007 Session.

However, it is clear that the program has outlived its usefulness. The clear path is to adopt higher energy conservation standards that take advantage of cost-effective, energy-efficient measures and begin to move toward net-zero building. We want to see local governments move forward with adopting the

latest version of the IECC and add provisions to require buildings be electrification-ready including a charging infrastructure for electric vehicles.

We must remove the carbon pollution from buildings if we are to meet the State's climate goals. We look forward to working with this Body, the GOE and our local governments to make it happen.

CHRISTINE BRINKER (Southwest Energy Efficiency Project):

Southwest Energy Efficiency Project is supportive of repealing the GBTA program. As Mr. Bobzien and Ms. Yochum were explaining, when the GBTA program began in 2005, it was to reward properties for LEED certification or sustainable building practices above and beyond required building codes. While we definitely support energy efficiency measures and sustainable building, the GBTA program has run its course, and it no longer promotes the goals that it was designed to achieve.

When the program first began, properties or State tax abatements were showing they were built to standards above and beyond the adopted code. At that time it was the 2009 IECC but over the years, as the GOE adopted the latest version of the IECC, something that we are in support of, the green-building ratings could not keep up. We possess a program that is unfortunately rewarding multi-million-dollar companies for essentially building their properties to the required code—the 2018 IECC or, in certain cases, even less efficient than the current code.

These tax dollars should be kept in the communities and used for essential services rather than given away as multimillion-dollar-tax abatements to properties that do not have proven sustainable building practices beyond the current requirements.

VIRGINIA VALENTINE (President, Nevada Resort Association):

I acknowledge the work of Mr. Bobzien and Ms. Yochum with the GOE for their work on the sustainability initiative in addressing climate change. We appreciate their collaboration as we work together to reach the State's climate goals.

Nevada's resort industry has a proud history of leadership in environmental sustainability. As a strong advocate for a sustainable future, the industry has created world-class programs to protect the planet and promote clean energy. Our members continually review and refine their operations to identify further

ways to reduce greenhouse gases and carbon emissions and lower energy, water consumption and avert more waste.

When developing new projects, our members put sustainability and renewable energy at the forefront. Many resort projects received LEED certification or other prestigious environmental awards and accolades. One example of the industry's many innovations, MGM Resorts built America's largest contiguous rooftop solar array on top of the Mandalay Bay Convention Center.

Many of the best-in-class developments built in the resort industry were only possible because of the GBTA program. This successful program has helped Nevada become a leader in green building. We recognize that times change and this program may no longer provide the benefits and incentives it first did. We understand the intent behind S.B. 442. We are in a neutral position for clarifying the effective date to ensure those projects already approved or in the development pipeline be allowed to participate in the program.

As you know, the planning and design phase of a project can involve a substantial investment. Projects in the presubmittal phase may be hurt by the proposed timeline to eliminate the program. We ask you consider an extended effective date to protect the projects and investments underway. Two weeks effective date will not be much notice for projects that may spend months, if not years, in development. We will work with the GOE on an effective date to accommodate projects already in the pipeline that may be relying upon this program.

MR. BOBZIEN:

We will be talking with the Nevada Resorts Association to clarify the project pipeline intake process and what impacts there may be given the effective date of the bill. We will update the Committee.

SENATOR SPEARMAN:

The important issue in Nevada is we only meet every other year. If something does not happen during this Legislative Session, it will put us far behind the curve. What, if anything, could that mean for meeting our future goals?

MR. BOBZIEN:

I am aware, and that is the spirit behind this bill recognizing that we are approaching an era where the IECC will eclipse what is being abated with

incentives. The concern is local governments can find themselves in an unwelcome position in the next two years of having to give out abatements for construction that is already the base standard. That is an untenable position.

As far as the climate impacts, as we heard from support testimony, we commit as an agency to begin that conversation following this Session so we develop something for the next Legislature to discuss how we improve policy in Nevada related to the built environment.

SENATOR SPEARMAN:

You stated municipalities, is that cities? Are we talking about money?

MR. BOBZIEN:

Local governments include municipalities and county governments. That is where the majority of the impact originates from the laws of tax revenue through these abatements.

CHAIR HARRIS:

We will close the hearing on S.B. 442. We will move on to the work sessions.

SUSAN SCHOLLEY (Policy Analyst):

We have five work session documents with no amendments: Assembly Bill (A.B.) 123 ([Exhibit D](#)), A.B. 154 ([Exhibit E](#)), A.B. 188 ([Exhibit F](#)), A.B. 281 ([Exhibit G](#)), A.B. 403 ([Exhibit H](#)).

ASSEMBLY BILL 123: Revises provisions governing special license plates indicating support for the Vegas Golden Knights hockey team. (BDR 43-797)

ASSEMBLY BILL 154 (1st Reprint): Revises provisions governing certain notice provided by public utilities. (BDR 58-510)

ASSEMBLY BILL 188 (1st Reprint): Abolishes the Commission on Special License Plates. (BDR 43-476)

ASSEMBLY BILL 281 (1st Reprint): Revises provisions governing the retention of certain records by short-term lessors, brokers and dealers of vehicles. (BDR 43-794)

ASSEMBLY BILL 403 (1st Reprint): Revises provisions governing certain crimes.
(BDR 43-1030)

SENATOR BROOKS MOVED TO DO PASS A.B. 123, A.B. 154, A.B. 188,
A.B. 281 AND A.B. 403.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARRIS:

We will now move to the work session on A.B. 32.

ASSEMBLY BILL 32 (1st Reprint): Revises provisions relating to the towing or
immobilization of a motor vehicle. (BDR 43-387)

Ms. SCHOLLEY:

I will read from the work session document on A.B. 32 ([Exhibit I](#)).

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 32.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARRIS:

We will move on to the work session for A.B. 301.

ASSEMBLY BILL 301 (1st Reprint): Revises provisions governing the towing of
motor vehicles. (BDR 58-696)

Ms. SCHOLLEY:

I will read from the work session document on A.B. 301 ([Exhibit J](#)).

SENATOR PICKARD:

How does amendment No. 3 not conflict with No. 1? No. 1 made it possible for common interest communities to allow or prevent them from having an unregistered vehicle towed. Then No. 3 states it cannot be towed.

CHAIR HARRIS:

They cannot perform No. 3 without ensuring No. 1 first. Common interest communities cannot tow a vehicle for lack of registration. However, if they do not meet the amendment in No. 1, they will possibly be in violation of that section. It gives them an exemption from that section, which allows them to not tow vehicles for not being registered.

SENATOR PICKARD:

That does not clarify the conflict. It states, "This addition will not prevent them from having an unregistered vehicle towed, if they so choose." Then in No. 3, I recognize it will change different sections of law, it is a sleight of hand in my view.

CHAIR HARRIS:

Senator Pickard I misunderstood your question, let me try to explain. We are looking at unregistered versus expired registrations. A completely unregistered vehicle can still be towed. They cannot be towed for expired registration. That is two different instances.

SENATOR PICKARD:

I am envisioning a vehicle with an expired registration, and the owner pulled the license plates off. The tow company and the common interest community will not know if it is still registered and the tow company tows the vehicle. It ends up that the vehicle had an expired registration and now the tow company and the common interest community are in violation of NRS 116. We are placing the prohibition in NRS 116, but in NRS 487 they are not prevented from towing an unregistered vehicle.

In apartment complexes, people pull their license plates off vehicles. A tow operator has no way of knowing without running the vehicle identification number whether or not the vehicle's registration is expired or if it was truly unregistered. Unregistered suggests it was never registered in Nevada, whereas if it was previously registered in Nevada, but was not renewed, it is expired.

The operator or the owner of the apartment complex will not know if the owner pulled the license plates from the vehicle, which happens on a routine basis.

CHAIR HARRIS:

Our Counsel may be able to assist in delineating the difference between unregistered and expired.

EILEEN O'GRADY (Counsel):

Under NRS 487.290, if a vehicle has no evidence of registration and no license plates it is considered an unregistered vehicle. Under NRS 706.4477, subsection 2, paragraph (b), subparagraph (3) relates to the expiration of registration. There should be a license plate on the vehicle or an indication that the vehicle has been registered. In NRS 487.290, it covers other details besides registration, it describes the issues with the condition of the vehicle.

SENATOR PICKARD:

I am not concerned if the vehicle is broken down and is up on car jacks, the tow company will tow that vehicle. I am trying to understand the practical side. People will pull their license plates off a vehicle if it will not be moved for a time. This makes it impossible for the tow company to render a determination. Will it fall under amendment No. 1 where the tow company will be absolved of liability under NRS 116 if it had previously been registered but the tow company could not determine it was registered?

Ms. O'GRADY:

I am unaware how the tow company will know the vehicle registration is expired if it is not displaying license plates.

CHAIR HARRIS:

I want to put my intention on the record. It is not my intent to create an entrapment situation where a tow operator tows a vehicle that does not display license plates. I would not expect the tow company to know the vehicle license plates and registration were expired and then be in violation.

SENATOR PICKARD:

If that is clear and someone does acquire a charge, now it is in the legislative history to back them up.

CHAIR HARRIS:

I want to ensure it is clear, the motion is amend and do pass as amended with amendments two and three, and not one.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMMENDED A.B. 301.

SENATOR BROOKS SECONDED THE MOTION.

SENATOR HAMMOND:

I have had discussions with you on the amendments. I have no issue with them. I want to ensure that I will be supporting this bill as written with the amendments. Given time, there may be people who contact me to explain what the amendments might sort out. I want to hear what the practical effect might be. I may change my mind at a point. I am okay with the bill and will vote yes.

SENATOR PICKARD:

I am confused. I thought that No. 1 and No. 3 were working together to allow common interest communities to tow unregistered vehicles, and No. 3 will prohibit them from towing expired registrations.

CHAIR HARRIS:

I apologize for the confusion, Senator Pickard. I was referring to amendments one through three on page 1, not on No. 1 through No. 3 as part of amendment three. If you go back to the first page of the work session document [Exhibit J](#), you will see there were three amendments proposed; Senator Spearman has withdrawn the first amendment.

SENATOR PICKARD:

We are adopting two and three on page 1, and No. 1, No. 2 and No. 3 on page 2?

CHAIR HARRIS:

That is correct.

SENATOR PICKARD:

Thank you, I now understand it. I will be a yes with reservation.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARRIS:

We will move to the work session on A.B. 320.

ASSEMBLY BILL 320 (1st Reprint): Revises provisions governing the operation of large all-terrain vehicles on certain streets and highways. (BDR 43-196)

Ms. SCHOLLEY:

I will read from the work session on A.B. 320 ([Exhibit K](#)).

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED A.B. 320.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARRIS:

We will move to the work session on A.B. 388.

ASSEMBLY BILL 388 (1st Reprint): Revises provisions governing access to broadband services. (BDR 58-790)

Ms. SCHOLLEY:

I will read from the work session document for A.B. 388 ([Exhibit L](#)).

SENATOR PICKARD:

It means it will expand broadband to everyone. With the pandemic, we discovered many people had no broadband. Since then, several rural counties tell me that section 7.7 was created without their input. It conflicts with existing ordinances in many counties where they cannot meet the 60-day application approval process. A portion of the application processes exceeds the cost of \$100. Those counties cannot absorb this as written. However,

Assemblyman C.H. Miller may have talked with the counties. Will they approach me and say, "No, we worked this out"?

CHAIR HARRIS:

The work session document under 7.7 is different than the one you may have. I want to put on the record that this is an amendment submitted along with the cities and municipalities.

Ms. SCHOLLEY:

The amendment proposed in section 7.7 stops at "As used in this section, 'local government' means." The sections that you are referring to were removed from the bill under the proposed conceptual amendments.

SENATOR PICKARD:

I apologize. I looked at it this morning and thought I received the latest version at the time.

SENATOR SPEARMAN:

Last fall, people were going door to door to ensure people had not only computers but that they also had broadband service. Covid-19 made us realize stark realities in relation to the bill. The digital divide is not only a saying, it is real.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 388.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARRIS:

We will move to the work session on A.B. 412.

ASSEMBLY BILL 412: Revises provisions governing motor vehicles. (BDR 43-1050)

Ms. SCHOLLEY:

I will read from the work session document for A.B. 412 ([Exhibit M](#)).

SENATOR PICKARD:

During the hearing, there was discussion on whether an operator will be deemed a driver for purposes of motor vehicle crashes if fault is ever attached to the occupantless vehicle. State law requires that we determine who the driver is that is operating the vehicle. During the testimony, it was stated the operator will be the driver. I want to place it on the record for purposes of a motor vehicle crash if an operator is deemed at fault, he or she is deemed a driver for liability purposes.

CHAIR HARRIS:

I can confirm that was what was said at the hearing.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 412.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARRIS:

We will move to the work session on A.B. 444.

[ASSEMBLY BILL 444 \(1st Reprint\)](#): Revises provisions governing limousines.
(BDR 58-1020)

Ms. SCHOLLEY:

I will read from the work session document on A.B. 444 ([Exhibit N](#)).

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED A.B. 444.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Senate Committee on Growth and Infrastructure
May 12, 2021
Page 20

CHAIR HARRIS:

We will move to the work session on S.B. 430.

SENATE BILL 430: Revises provisions governing the Nevada State Infrastructure Bank. (BDR 35-1110)

Ms. SCHOLLEY:

I will read from the work session document on S.B. 430 ([Exhibit O](#)).

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 430.

SENATOR BROOKS SECONDED THE MOTION.

SENATOR PICKARD:

Adding a nonprofit entity to this was needed as it might open it up substantially to for-profit organizations. We will see a problem with \$75 million being grossly undercapitalized. It is seed money, but it will take another session to appropriate enough money to make it work. I will be a yes today but with reservations.

THE MOTION CARRIED UNANIMOUSLY.

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Senate Committee on Growth and Infrastructure
May 12, 2021
Page 21

CHAIR HARRIS:

Seeing no further business to come before the Committee, the meeting is adjourned at 4:53 p.m.

RESPECTFULLY SUBMITTED:

Debbie Shope,
Committee Secretary

APPROVED BY:

Senator Dallas Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 442	B	4	Robin Yochum / Governor's Office of Energy	Slide Presentation
S.B. 442	C	1	Robin Yochum / Governor's Office of Energy	Nevada Green Building Tax Abatement Program
A.B. 123	D	1	Susan Scholley	Work Session Document
A.B. 154	E	1	Susan Scholley	Work Session Document
A.B. 188	F	1	Susan Scholley	Work Session Document
A.B. 281	G	1	Susan Scholley	Work Session Document
A.B. 403	H	1	Susan Scholley	Work Session Document
A.B. 32	I	1	Susan Scholley	Work Session Document
A.B. 301	J	1	Susan Scholley	Work Session Document
A.B. 320	K	1	Susan Scholley	Work Session Document
A.B. 388	L	1	Susan Scholley	Work Session Document
A.B. 412	M	1	Susan Scholley	Work Session Document
A.B. 444	N	1	Susan Scholley	Work Session Document
S.B. 430	O	1	Susan Scholley	Work Session Document