

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

**Eighty-first Session
March 15, 2021**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:32 p.m. on Monday, March 15, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Susan Scholley, Policy Analyst
Paula Peters, Committee Secretary

OTHERS PRESENT:

David Parks
Nikhil Narkhede, Program Manager, Commission on Off Highway Vehicles
Kyle Davis, Nevada Conservation League
John Piro, Chief Deputy Public Defender, Clark County Public Defender's Office
Philip Fell
Jeremy Anderson, D.O., University Medical Center of Southern Nevada
Kendra Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Karen Boeger, Backcountry Hunters & Anglers
Sean Sever, Administrator, Department of Motor Vehicles
Lynn Chapman, Independent American Party
Peter Krueger, Fueling Nevada

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Janine Hansen, Nevada Families for Freedom
Alexis Motarex, Nevada Chapter Associated General Contractors
Jimmy Lau, Nevada Contractors Association
Katherine Stainken, Plug In America
Paul Selberg, Nevada Conservation League
Angie Dykema, Southwest Energy Efficiency Project
Matt Rubin, Western Resource Advocates
Vinson Guthreau, Deputy Director, Nevada Association of Counties
Mary Walker, Carson City; Douglas County; Lyon County; Storey County

CHAIR HARRIS:

We will open the hearing on Senate Bill (S.B.) 170.

SENATE BILL 170: Makes various changes relating to off-highway vehicles.
(BDR 43-464)

DAVID PARKS:

I served as Chair of the Legislative Committee on Public Lands during the last Interim. Senate Bill 170 was proposed by the Legislative Committee on Public Lands and approved during a work session at its final meeting on September 22, 2020. Last Interim, prior to the Pandemic shutdown, the Legislative Committee on Public Lands traveled to Caliente, Nevada for a meeting with the State Department of Conservation and Natural Resources (DCNR) that provided an overview and update of the Off-Highway Vehicle Program.

Four key takeaways from that presentation included: one, the limitations with the registration and titling system where the process can only be completed through the mail or an off-highway vehicle dealer; two, rules for off-highway vehicle operations are unclear on roads, especially in rural communities and on certain public lands; three, no registration use decal required for out-of-state off-highway vehicles; and four, safety risks are evident due to the improper operation of off-highway vehicles by persons under 16 years of age.

Following the meeting, and in response to a solicitation for recommendations, the DCNR submitted three recommendations that were combined into one bill, S.B. 170.

As recommended by the DCNR, the Committee voted to draft a bill to: one, replace the off-highway vehicle registration system with an annual use decal; two, require out-of-state off-highway vehicle users and vehicles registered for street use and modified for off-road driving to acquire an annual use decal; and three, require all off-highway vehicle users under 16 years of age to wear a helmet, while on all types of off-highway vehicles.

I urge your support of S.B. 170.

NIKHIL NARKHEDE (Program Manager, Commission on Off-Highway Vehicles Program):

We support S.B. 170 and the proposed amendment ([Exhibit B](#)).

The bill will simplify and replace the off-highway vehicles (OHV) registration process with an annual OHV decal; require all OHV users recreating on public land regardless of residency to obtain a Nevada OHV decal; and increase safety measures by requiring children under the age of 16 years old to wear a helmet when recreating.

The overall intent of the bill was developed by land managers and non-governmental organizations with feedback from the OHV community.

The law requires recreation off-highway vehicles be registered with the Department of Motor Vehicles (DMV). However, the registration process is cumbersome and inefficient, preventing many users from registering their OHVs. For example, this application is unique based on the OHV occupancy and its purchase location. It requires a completed Vehicle Identification Number (VIN) inspection more suitable for street legal vehicles. This information must be communicated exclusively by the U.S. mail and is not readily accessible by law enforcement personnel in the field.

These requirements result in low registration compliance, limited enforcement and meager proceeds available to support grant projects that improve OHV recreation across the State, and they mitigate user impacts on Nevada's public lands.

Senate Bill 170 proposes to replace the registration process administered by DMV with an OHV decal administered by the Nevada Off-Highway Vehicles

Program. The bill eliminates the registration process, VIN inspections and other cumbersome requirements few OHV users comply with.

Senate Bill 170 extends OHV requirements to out-of-state OHV users recreating in Nevada. A streamlined and easy to obtain OHV decal will increase grant funding generated by decal sales and improve compliance with OHV laws in Nevada.

Let me draw attention to the technical details proposed in S.B. 170. Section 3, subsections 1 through 3 set forth OHV decal requirements when operating an OHV on public land.

Section 3, subsection 4 describes decal size, visibility and display requirements. This section transfers it out of the DMV section in *Nevada Revised Statutes* (NRS) 490.083 to a new section of the NRS. Given concerns expressed by some groups, the characteristics of the new OHV decal will not change from the registration sticker administered by DMV.

Section 3, subsection 5 allows the OHV Program to sell OHV decals through third-party vendors. By utilizing third-party vendors, users will have multiple options for purchasing their OHV decals before recreating on public lands in Nevada. Vendor conditions include fee limits for vendor services. A monthly fund transfer to the account for the Nevada Off-Highway Vehicle Program via the State Treasurer will ensure transparency and accountability for revenues generated from the new decal.

Section 3, subsection 6 sets forth exceptions for the decal requirement.

Section 4 requires children under 16 years of age to wear a helmet when operating or riding an OHV. Subsection 2 clarifies that violation of section 4 is not considered a traffic violation, will not appear on the driver's record and does not constitute child endangerment.

Sections 5, 6 and 7 are conforming changes that replace the term "registered owner" with "titled owner" when referring to the sale, purchase and consignment of OHVs.

Section 10 removes DMV as a non-voting member of the Commission on Off-Highway Vehicles.

Sections 11 and 12 expand the responsibilities of the Commission to include the administration of the Nevada OHV decal.

Sections 13 and 14 include conforming changes proposed under section 3 above. It is important to note that these sections retain both OHV titling and tracking ownership responsibilities within the DMV.

Sections 15, 16, 17 and 18 are conforming changes to the registration process.

Section 19 clarifies that owners of large all-terrain vehicles must carry proof of insurance and display a valid OHV decal when operating on general or minor county roads. Sections 20 through 24 make conforming changes to NRS 490, aligning it with the new OHV decal process and helmet requirements for riders under the age of 16.

Section 27 provides this bill becomes effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks. For all other purposes this bill becomes effective July 1, 2022.

The Off-Highway Vehicles Program proposed amendment to S.B. 170 clarifies sections within the bill. The first change in section 3, subsection 1 clarifies that all OHVs operating on public lands in Nevada must display an OHV decal. The OHV operator however, does not need to be the person who purchases the decal.

Section 3, subsection 3 of the proposed amendment clarifies the OHV decal will be valid for one year from the date of purchase, as opposed to a calendar year. This provision will improve decal compliance year-round thus benefiting seasonal OHV riders, such as snowmobilers.

Section 3, subsection 6, paragraph (g) of the proposed amendment closes a large loophole for OHVs operating or stored on private land. The majority of OHVs are stored on private land, the proposed language clarifies that only OHVs that are "solely" stored and operated on private land are exempt from the requirement to obtain an OHV decal.

Based on our consultation with DMV, we are proposing to replace all references to "registration decal" with "Off-Highway Vehicle Decal." The term "registration" refers to documents including VIN and owner information. This

change clarifies for the public that OHV users will no longer be required to obtain an annual registration from the DMV, but will be required to display an OHV decal from the Off-Highway Vehicles Program.

The OHV program is aware of two additional proposed amendments and we are generally supportive of them. One is from the Public Defender Offices in Clark and Washoe counties and the other is from the National Conservation League.

SENATOR PICKARD:

With respect to the program and the decal issued. An applicant for a fishing license would obtain a fishing license. Will the person in this program obtain a decal?

MR. NARKHEDE:

Yes. A person will be issued an OHV decal.

SENATOR PICKARD:

The person is issued the decal then somehow will affix the decal on the OHV, is that right?

MR. NARKHEDE:

Yes.

SENATOR PICKARD:

Will that be done on an alternate license plate, or will it be like a bicycle where you have to put it on the handlebar or someplace visible. How will that work?

MR. NARKHEDE:

The latter is correct, the location of the decal will be specified by the Off-Highway Vehicles Program. The location will be displayed with that decal.

SENATOR PICKARD:

After you put the decal on, what will happen if you rent or transfer, temporarily or permanently, the OHV?

MR. NARKHEDE:

It is up to the rental company to purchase OHV decals for their fleet and have them displayed on those machines.

A sale will proceed similar to the registration decal. If a valid decal is on the OHV at the time of sale, the new recipient of that OHV will be granted use on public lands until that decal expires. Once that decal expires, it is the owner's responsibility to purchase an OHV decal and have it displayed on their new machine.

The goal is that all OHVs will display this unique decal, and not necessarily associate it with the owner. The intent is that the person who purchases the decal will place it on any OHV they own.

SENATOR PICKARD:

Does this include all types of off-highway vehicles?

MR. NARKHEDE:

Yes, it includes all types of OHVs.

There are two types of decals based on the type of OHV. We will consolidate and only have one decal.

SENATOR PICKARD:

Typically vehicle insurance is offered on a vehicle. I do not know if a class of insurance is available for a potential rider and not the vehicle. Is there insurance available to people outside of an umbrella liability policy? Will the insurance industry offer policies to people who may have an OHV decal, but do not own an OHV? Because we disconnected those two requirements, how does someone get insurance if that is a requirement?

MR. NARKHEDE:

An individual can insure their OHV without a decal. These two are now separated in the sense that to operate your OHV on major or minor county roads in Nevada you are required to have two things: one, your decal from the OHV Program and two, liability insurance for your machine through an insurance company.

Presence of your decal does not impede or benefit your OHV insurance.

SENATOR PICKARD:

The vehicle is being insured, not necessarily the person who owns the decal?

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MR. NARKHEDE:
Yes.

CHAIR HARRIS:
You mentioned two proposed amendments, but the Committee does not have those. Have these amendments been submitted or will be submitted?

MR. NARKHEDE:
These are proposed amendments that were submitted recently.

KYLE DAVIS (Nevada Conservation League):
Our organization participated in working groups on this issue during the 2007-2009 Legislation Session. We want to thank the DCNR for working with us and answering our questions on this bill. Our interest in off-highway vehicle policies stems from the impacts of irresponsible OHV use which can cause significant damage to wildlife habitat and natural areas.

The key component of an OHV management system maintains a highly visible unique decal, and ensures some revenue from the program is dedicated to enforcement and restoration of areas damaged by past irresponsible use.

We are in support of the bill and the changes in the proposed amendment which was discussed. We think it maintains key components that could lead to greater compliance.

We recently submitted a proposed amendment ([Exhibit C](#)) to add a representative from the Nevada Department of Wildlife (NDOW) as an ex officio member of the OHV Commission.

JOHN PIRO (Chief Deputy Public Defender, Clark County Public Defender):
We are testifying in support of the proposed amendment ([Exhibit D](#)) sponsored by the Clark County and Washoe County Public Defender's Offices. One of the changes will remove the misdemeanor in section 4 of the bill, and the violation will be punishable by a fine. Ms. Bertschy will testify today and discuss the other change.

PHILIP FELL:
I am one of commissioners on the Nevada Commission on Off-Highway Vehicles Program. I support S.B 170.

I have been in the position where I have had to ride my OHV illegally because of the convoluted process dealing with the paperwork that Mr. Narkhede mentioned earlier. Mailing paperwork to DMV, having to make adjustments and mailing it back, making more adjustments and remailing. This back and forth process caused me to make a choice of either not participating in my preferred form of recreation or doing it illegally and facing potential fines.

I support this bill to make it easier for the citizens in Nevada to recreate legally, and for the funds generated to be made available for trail projects and restoration projects mentioned by the Nevada Conservation League. This bill is needed.

JEREMY ANDERSON, D.O. (University Medical Center of Southern Nevada):

I am a surgeon and clinical fellow in Trauma and Acute Care Surgery at the University of Nevada, Las Vegas (UNLV) and the University Medical Center (UMC) of Southern Nevada. I am representing myself and other trauma surgeons at UMC. We support S.B. 170.

The particular point of interest in this bill is section 4 regarding the use of helmets for children, passengers and riders under the age of 16 years old. I will share information that we gathered from the Nevada Road-User Trauma Registry database. It includes data from the UNLV School of Medicine, Dignity Health-St. Rose Dominican Hospitals, Sunrise Hospital and Medical Center, and Renown Health. These medical facilities are in Nevada and treat patients from Nevada and neighboring states of California, Utah and Arizona.

During the years 2012-2017, the data presented 120 children under the age of 16 years old with OHV injuries, the average age was 11 1/2 years, median age, 13 years. Forty-five percent of those children were unhelmeted at the time of arrival for treatment at the Trauma Center, they experienced higher grades of injury severity scores and severe head injuries.

Approximately 22 percent of unhelmeted children have severe injuries, whereas only 12.7 percent of helmeted children had severe injuries. We see a difference in the severity of injuries at our trauma centers.

We see significantly higher rates of average hospital charges on unhelmeted children of \$71,400, whereas helmeted children's average hospital charges were \$55,253. The length of hospital stay is about half for helmeted children as

opposed to unhelmeted children. Unhelmeted children on the average are in hospital for four days whereas helmeted children are treated for two days prior to release.

We will be able to submit a more detailed and fiscal analysis of these injuries in helmeted and unhelmeted children prior to the next Committee meeting.

KENDRA BERTSCHY (Deputy Public Defender, Washoe County Public Defender's Office):

I want to thank the sponsors for speaking with Mr. Piro and me today to address member concerns. We recently submitted our proposed amendment and Mr. Piro discussed one of our changes.

The other change, specifically in section 4, subsection 2 indicates it is not a ground for taking a child into custody pursuant to the delinquency provision in NRS 62C.010, and it does not constitute abuse, neglect or endangerment pursuant to NRS 200.508, the criminal abuse and neglect statute.

We are requesting the bill be amended to include the dependency provision set forth in NRS 432B.020 to indicate it is not a ground for removing a child, nor to place a child into foster care for violation of this subsection.

KAREN BOEGER (Backcountry Hunters & Anglers):

I submitted our written testimony ([Exhibit E](#)) which explains our support of S.B. 170.

Our support is primarily due to the ease of acquiring a decal versus the system of registering through DMV. Our members have complained about the unwieldy, long, complicated process.

I was one of the members of the original stakeholder group to support the legislation creating the OHV Commission. The OHV Program is something the Backcountry Hunters & Anglers have always supported.

We have been advocating for NDOW to be an ex officio member for a decade. We are in support of the conceptual amendment by the Nevada Conservation League which amends the bill to add NDOW. It will benefit the OHV Commission to have NDOW on the Committee providing their professional insight.

SENATOR BROOKS:

I was inspired by a testimony I heard today. I apologize that I might have missed part of the beginning of the meeting due to technical difficulties. Was the discussion and testimony on the bill today based on the proposed amendment offered by the DCNR?

CHAIR HARRIS:

It was based on the proposed amendment by the DCNR with mention of the two recently submitted proposed amendments.

SENATOR BROOKS:

Are those two proposed amendments sponsored by the Nevada Conservation League, and the Clark County and Washoe County Public Defender Offices?

CHAIR HARRIS:

Yes.

CHAIR HARRIS:

For the record we have three proposed amendments, six letters of support, [Exhibit E](#), [Exhibit F](#), [Exhibit G](#), [Exhibit H](#), [Exhibit I](#), and [Exhibit J](#), one letter of opposition ([Exhibit K](#)).

The hearing on S.B. 170 will be closed at this time. We will open the hearing on S.B. 191.

SENATE BILL 191: Revises provisions relating to vehicles. (BDR 58-597)

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

Senate Bill 191 addresses electric vehicles. I will be submitting a proposed amendment.

I introduced a similar bill last Session, S.B. No. 114 of the 80th Session. Another bill was to be introduced, but it turned into an Interim study so I am introducing my bill today. This bill will ensure that electric vehicles, both electric vehicles (EVs) and plug-in hybrid electric vehicles (PHEVs), contribute toward the State Highway Fund

This bill provides a logical way of generating resources, as it will be rationally based on paying at the charging station similar to gasoline customers paying at

the pump, and a portion of what they pay includes money designated for the Fund.

This bill seeks to do the same thing as my earlier bill; it will impose a 10 percent surcharge when being charged for electric service to charge the battery of an electric vehicle.

The 10 percent surcharge is only for situations where persons are being charged commercially on the sale of electric service to charge the battery of their electric vehicle.

There has been some discussion among entities regarding the allocation of the 10 percent surcharge. They would like to see a portion of the funds diverted from the Highway Fund, and allocated to local government for local infrastructure. The Committee could consider an appropriate amount when they discuss this bill.

There will be people who will object to this surcharge as they think we should be encouraging people to purchase electric vehicles—not taxing them. I want to work with them to find a solution.

I purchased an EV based on the fact that it was economical. I paid \$8,000 for a used one. The fact that I was driving an EV and not contributing to the Highway Fund bothered me. One of my bills passed, S.B. No 181 of the 80th Session, requiring electric vehicle drivers to purchase a special license plate. The fees were directed to the Highway Fund. This is the only money generated by electric driver users that contributes to the Fund.

CHAIR HARRIS:

Is the seller of the electricity the owner of the charging station or the utility itself?

SENATOR SETTELMAYER:

Anyone who is paying to charge their car will be required to add a 10 percent surcharge and remit this surcharge to the Highway Fund.

SENATOR PICKARD:

We have addressed the issue of who is charging, and I understand people charging at home will not be paying anything. People driving hybrid electric

vehicles, which operate as an EV for most of the time, are already paying gas tax at the pump when they put gasoline in their car. Will there be some consideration, such as a credit? Or, is the assumption the mileage they are getting on that gas is so great they should be paying the 10 percent surcharge on their electricity as well?

SENATOR SETTELMAYER:

We are discussing electric vehicles, both EVs and PHEVs. If the hybrid is a PHEV then yes, they would be subject to the 10 percent surcharge at the charging station. They would also be paying gas taxes at the pump for any gasoline purchased.

This bill does not address alternative fuel sources existing today and in the future. This bill will impose a 10 percent surcharge on electricity purchased through charging stations, but this bill could be modified to include alternative fuel sources.

We do not know what alternative fuel sources technology will provide. We are focusing on electric today, but hydrogen and compressed natural gas are being used today. General Motors announced they will stop manufacturing vehicles that use fossil fuels by 2035. They will transition to battery-powered electric vehicles or hydrogen.

SENATOR BROOKS:

I was a member of the Interim study created last Session and we reviewed everything in great detail. Our Highway Fund is depleting rapidly as gasoline engines have been more efficient. How does this bill address the significant depletion of our Fund from efficient gasoline engines?

SENATOR SETTELMAYER:

This bill does not address the efficiency standards of nonelectric vehicles.

The Interim Committee worked on bills involving the concept of mileage reporting. I have constituents who would be hesitant to report their mileage on a regular basis. Perhaps we need to discuss the methodology that will be acceptable for determining how electric vehicles will be charged.

SENATOR BROOKS:

Is the surcharge in addition to the 5 percent tax all electric users pay on the electricity they buy?

SENATOR SETTELMAYER:

This bill imposes a 10 percent surcharge on the total paid to charge your electric vehicle. If you charge your electric vehicle battery and your bill is \$10, with the surcharge it will be \$11. Does that mean it is potentially an excise tax on top of taxes that already exist? Potentially so, when you buy something at a restaurant you are potentially being taxed on something that has already been taxed.

SENATOR BROOKS:

I did not see a fiscal note associated with this from DMV. It does create a requirement for them to administer the program. With the small number of charging stations in use will a few percent of 10 percent cover those administrative costs?

SENATOR SETTELMAYER:

I do not know why DMV would not have submitted a fiscal note.

CHAIR HARRIS:

We have Sean Sever from DMV with us today and perhaps he can answer if a fiscal note was submitted.

SEAN SEVER (Administrator, Department of Motor Vehicles):

We did submit a fiscal note on the bill, and the cost to DMV is undeterminable at this time as we need additional information.

SENATOR SPEARMAN:

Thank you Senator Settelmeyer for mentioning hydrogen. When it starts gaining traction it will be dispensed similar to gasoline at the pump. Does your bill include hydrogen as a possible fuel source?

SENATOR SETTELMAYER:

It does not, but the bill could be easily modified to include alternate fuel sources. We do not know what the future will bring. We have the opportunity, whether it be this bill or another bill, to be far-reaching and pass a bill that will include future alternate fuel sources.

LYNN CHAPMAN (Independent American Party):

We support S.B. 191. We generally do not support taxes and fee increases. However, everyone uses the roads and highways—people walking, riding a bike, mopeds, motorcycles, cars, trucks and RVs—but only diesel and gas vehicles are targeted to finance our Highway Fund. It is only fair to include any type of vehicle, including hydrogen and any others in the future. Please support S.B. 191.

PETER KRUEGER (Fueling Nevada):

Fueling Nevada represents the men and women who provide energy and fuels of all kinds, petroleum-based and electricity. In the future we will provide hydrogen. We support S.B. 191.

With federal, State and local indexing in Washoe County factoring in at 90 cents a gallon, we need everyone who uses our highways to participate in the construction, maintenance and upkeep of commercial and personal routes of access to commerce, recreation, family and friends. We support this bill as it is the correct direction in view of our Nevada Climate Initiative's goal to decarbonize our fuel.

JANINE HANSEN (Nevada Families for Freedom):

We have had a lot of fuel tax increases the last few years for gas and diesel vehicles. We think it is fair for electric vehicles to participate in paying for our roads and highways, and this bill has a reasonable approach. We support S.B. 191 and encourage your support.

ALEXIS MOTAREX (Nevada Chapter Associated General Contractors):

The Nevada Chapter Associated General Contractors represents commercial construction in northern Nevada. We are in favor of S.B. 191 as introduced, although we have concerns about the proposed amendment regarding revenue for local governments.

This bill is not a perfect solution, but it is a start. It is time we have serious conversations about the health of our Highway Fund. The Nevada Chapter Associated General Contractors has long advocated for sustainable and equitable highway funding.

We are seeing an increase in electric vehicles on the road, and manufacturers promising to go all electric in the near future. Electric vehicle drivers should contribute to the roads on which they drive.

JIMMY LAU (Nevada Contractors Association):

We support the imposition of a surcharge on sales of electricity to electric vehicles to ensure continued sustainable funding for our Highway Fund. Adequately funding construction on roads generates significant economic activity for our State, and provides enhanced safety for those who travel on our highways. As more Nevadans adopt these electric vehicles, it is important to find creative ways to ensure the roads they travel on remain adequately maintained. The bill is a step in that direction.

KATHERINE STAINKEN (Plug In America):

We are the non-profit organization that represents the EV consumer voice in Nevada, including the EV drivers in your district and around the State. We oppose S.B. 191.

This bill will impact EV drivers who provide public charging. These drivers are generally low-income drivers who live in multi-unit dwellings and do not have access to home charging. Approximately 20 percent of charging is done at public charging stations. If this bill is seeking to ensure that the roads in Nevada are adequately funded by EV drivers, this bill makes no sense in accomplishing that objective.

The Legislature passed S.C.R. No. 3 of the 80th Session, which resulted in the Interim study mentioned earlier. The study considered how the roads in Nevada could be funded as more EVs are purchased and as gas vehicles become more efficient over time. We recommend that the Committee look to that process for any next step in determining how Nevada should pay for roads.

Plug In America supported the S.C.R. No. 3 of the 80th Session. We are not opposed to having EV drivers pay for their fair share of using the roads in Nevada, as long as what the EV drivers pay is less than or comparable to what a fuel efficient vehicle on the road pays.

EV drivers pay taxes, and they provide the societal benefit of cleaner air. On behalf of the consumers in Nevada who wish to purchase EVs, we urge you to

oppose S.B. 191. We look forward to working with the sponsor on an alternative solution.

PAUL SELBERG (Nevada Conservation League):

We are in opposition to S.B. 191, as we were opposed to a similar bill, S.B. No. 114 of the 80th Session, last Session. Our concern is that S.B. 191 is not a comprehensive solution to the issue of transportation funding and only deals with electric vehicles that charge at public charging stations.

We agree our State needs to modernize our system of how we fund our transportation network. Our organization was an active participant in the S.C.R. No. 3 of the 80th Session working group over the Interim.

We proposed a solution where the existing gas tax could be indexed to both inflation and whole fuel consumption, and the State would charge electric vehicles based upon the miles per gallon equivalent of fuel economy backup. Our proposed solution is technology neutral and can adapt as we learn more.

ANGIE DYKEMA (Southwest Energy Efficiency Project):

The issue is complex and requires an understanding of the needs of the transportation system as a whole and its part in the broader equitable solution that reduces pollution. We should not penalize electric vehicle drivers, but instead encourage their use. This would better enable the State to reach its climate goals of achieving zero emission by 2050 as part of the State Climate Strategy.

For this reason, we oppose S.B. 191 and support the recommendations from the Interim study performed by the Legislative Committee on Energy.

MATT RUBIN (Western Resource Advocates):

Western Resource Advocates is a non-profit organization dedicated to protecting the West's wind, air and water. We are opposed to S.B. 191. The bill implements a policy of only one component of the overall highway funding solution and should not be the only avenue considered.

Western Resource Advocates supported the Interim study examining how electric vehicles could pay their fair share for roads. The Commission on Energy did not come to a conclusion on the issue.

Western Resource Advocates continues to support the EV model proposed by the National Resources Defense Council. It computes a gas tax using a miles per gallon equivalent based on how many miles a vehicle has traveled a year.

Senate Bill 191 is a policy to expand and accelerate the deployment of electric vehicles in supporting infrastructure throughout the State. Our opinion is that the imposition of a surcharge on the energy used for charging electric vehicles will make them less economical and hinder their sales.

Given the existing high barriers to entry surrounding new charging stations such as the cost of electricity, distribution and upgrades required for a high speed commercial charging station, Western Resource Advocates opposes this bill but remains committed to finding solutions that address the highway funding shortfall.

VINSON GUTHREAU (Deputy Director, Nevada Association of Counties):
We represent all 17 Nevada counties. We are testifying in the neutral position on S.B. 191.

Our counties play a critical role in our State transportation system. While considering changes or additions to the funding streams for transportation, remember the funding mechanisms. They dedicate a portion of these revenues to local governments to fund local roads and infrastructure. Local governments are responsible for 75 percent of Nevada's roads.

We thank the sponsor for including in his bill presentation the proposed amendment for allocating a portion of the revenue to counties for any new road funding.

MARY WALKER (Carson City; Douglas County; Lyon County; Storey County):
We are neutral on S.B. 191 as written. However, we do want to go on record that we will be supportive of the bill if it includes counties in the revenue distribution.

Lack of road maintenance is a complaint from our citizens because we do not have adequate funds to maintain all our roads.

We will be working with the sponsor on an amendment to include counties.

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CHAIR HARRIS:

We will close out testimony on S.B. 191.

SENATOR SETTELMAYER:

I appreciated the discussion of all members and testimony of others on my bill.

The Interim Legislative Committee on Energy study was not conclusive in treating concepts such as miles per gallon equivalencies, and those members said this increases the cost too much.

The average charging stations are \$1.50 an hour for a Level 2 charge. It takes seven hours for a full charge. This means the average person is paying \$11 to fill their tank to drive on our roads. An extra \$1.10 surcharge in addition to that \$11 would not present a hardship, and it will create revenue for our rapidly depleting Highway Fund.

There may be a better solution out there. The issue of taxing more efficient fuel cars is not new. My predecessor in the Assembly, Lynn Hettrick, discussed more fuel-efficient cars 21 years ago. He proposed a tire tax, but that solution was in conflict with interstate commerce.

Electric vehicles, both EVs and PHEVs, are the wave of the future. It is time to create sustainable revenue through electric vehicles for our Highway Fund.

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CHAIR HARRIS:

Before we close the hearing on S.B. 191, I will note for the record that we have one letter of opposition ([Exhibit L](#)) for this bill online. Seeing no public comment, we will adjourn at 4:46 pm.

RESPECTFULLY SUBMITTED:

Paula Peters,
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. 170	B	1	Nikhil Narkhede / Commission on Off-Highway Vehicles	Proposed Amendment
S.B. 170	C	1	Kyle Davis / Nevada Conservation League	Proposed Amendment
S.B. 170	D		John Piro / Clark County Public Defender's Office	Proposed Amendment
S.B. 170	E	1	Karen Boeger / Backcountry Hunters & Anglers	Written Testimony
S.B. 170	F	1	Senator Harris	Document in support
S.B. 170	G	1	Senator Harris	Document in support
S.B. 170	H	1	Senator Harris	Document in support
S.B. 170	I	1	Senator Harris	Document in support
S.B. 170	J	1	Senator Harris	Document in support
S.B. 170	K	1	Senator Harris	Document in opposition
S.B. 191	L	1	Senator Harris	Document in opposition