

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

**Eighty-first Session
March 17, 2021**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:32 p.m. on Wednesday, March 17, 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 Joseph P. Hardy, Senatorial District No. 12

STAFF MEMBERS PRESENT:

Susan Scholley, Policy Analyst
Debbie Shope, Committee Secretary

OTHERS PRESENT:

McKay Stevens
Tony Manitta
Joelle Gutman Dodson, Washoe County Health District
Michael Bell
Lisa Mayo-Deriso
Robert Hutchinson, President, Southern Nevada Bicycle Coalition
Matt Carter
Carlo Luri, Alta Alpina Cycling Club
Kevin Ford
Justin Jones
Angela Ahmet
Kyle Davis, Nevada Conservation League

Senate Committee on Growth and Infrastructure
March 17, 2021
Page 2

Emil Almberg
Pat Treichel, Ghost Bikes Las Vegas
Heather Fisher, President, Save Red Rock
Sondra Rosenberg, Assistant Director, Planning, Nevada Department of Transportation
Martin Knauss, President, Laughlin Economic Development Corporation
Jennifer Taylor, Deputy Director, Intergovernmental Relations, Governor's Office of Energy

CHAIR HARRIS:

We will open the hearing on Senate Bill (S.B.) 183.

SENATE BILL 183: Revises provisions relating to transportation. (BDR 43-620)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):

I represent an area in Nevada that is on a roadway between Boulder City and Searchlight. We are familiar with the tragic crash that happened on December 10, 2020, when a group of cyclists were involved with someone who was allegedly high on methamphetamines. It made me consider what can be done to allow safety for cyclists and allow access to all the roadways in use by cyclists. This bill does not ban bicycles from 4,400 miles of roadway accessed now by cyclists. It does not ban single file or two abreast bicyclists. It does not ban bicycles from roadways without bike lanes, and it does not have a cyclist become a criminal.

This bill limits bicycles to no more than two abreast on roadway shoulders or on bike paths. It allows for bicycles on roadways that are posted at 65 miles per hour or more where permitted. It allows events for bicycles with safety measures. It allows cyclists to ride single file when there are no shoulders on the roadway. This meets the Lake Mead National Recreational Area's patrol policies on cycling which enables someone who is riding two abreast be ticketed.

I have received input, and it is appreciated because it allows me to better understand the nuances of my words. I have a proposed amendment ([Exhibit B](#)) that strikes out the entire section dealing with the high-occupancy vehicle (HOV) lane. That is not in the bill being presented. Section 2 of the proposed amendment clarifies the language as to what is permissible.

Section 2, subsection 3 states:

"Persons riding bicycles, electric bicycles or electric scooters upon the shoulder of a roadway with a posted speed limit of 65 miles per hour or more, where permitted, shall not ride more than two abreast except on paths or parts of the shoulder..."

I have struck out "set aside for the exclusive use of bicycles, electric bicycles or electric scooters."

Section 2, subsection 4 states: "Except as otherwise provided in subsections 5 and 6, persons riding bicycles, electric bicycles or electric scooters shall not ride upon a roadway with a posted speed limit of 65 miles per hour or more."

The operative word in subsection 4 is "Except." I received many emails from people reading subsection 4 as a standalone section. In order to understand subsection 4, you need to refer to subsections 5 and 6.

Section 2, subsection 5 states,

"The provisions of subsection 4 do not apply to a person riding a bicycle, electric bicycle or electric scooter: (a) when preparing to turn left. (b) While in the performance of a public work or other official duties as an employee of this State or political subdivision thereof. (c) When doing so will not be safe. (d) When using an opening provided for the purpose of accessing a path or part of a roadway set aside for the exclusive use of bicycles, electric bicycles or electric scooters."

I added for clarification in the proposed amendment, paragraph (e) "When there is no shoulder or path, in which case, persons riding bicycles, electric bicycles or electric scooters shall not ride two abreast or more than two abreast."

There are two-lane roadways in my district with no shoulders. Cyclists are allowed on those roadways and we want them to be safe. Those roadways have 65 miles per hour or more posted. A cyclist probably should not be on that roadway two abreast, because of the reaction time needed for going around curves and over small hills, such as on the roadway between Searchlight and Nipton, California.

Should there be any misgivings or apprehensions by anyone or if there are germane suggestions to improve the safety of cyclists, I am amenable to proposed amendments.

CHAIR HARRIS:

It seems this was brought in hopes of making cycling a bit safer. Why is this focused on cyclists as opposed to drivers?

SENATOR HARDY:

The drivers will become criminals if they run into a cyclist. The vehicle will win in a crash between a vehicle and a cyclist. It would be great to not allow any drinking and driving and not allow any drugs and driving. We have done that. It would be great if we had signs that say "share the road"; we did that. It would be great to state you cannot be within three feet of a cyclist; we have done that.

The ideas we have done are good. If someone has another idea that can be done with drivers to prevent alcoholism or anything that is inebriating in any way, I am amenable to having something successful where we can say "that will work." My goal is to protect cyclists.

SENATOR BROOKS:

In the proposed amendment, are you leaving section 1 alone and deleting the additional language that was added in the bill?

SENATOR HARDY:

Section 1 will be removed entirely.

SENATOR BROOKS:

Are you saying section 1, including the existing language?

SENATOR HARDY:

In the proposed amendment, the changes to section 1 will be entirely removed. In other words, I am not trying to disrupt HOVs. I spoke with the Nevada Department of Transportation (NDOT), and they understand it.

MCKAY STEVENS:

I am in support of S.B 183. I think this has added measures to protect cyclists. I consider myself an avid cyclist. It will be a shame if motorists are blamed for

something they did not intend to do because they were unimpaired. There is needed emphasis and direction on what cyclists can do and where they can ride. A highway or freeway that has a posted speed limit of 65 mile per hour or more is not a place cyclists should go near.

TONY MANITTA:

I am neutral on the bill. My concern is for the people who are driving vehicles; they do not understand cyclists. More information should be provided when people are receiving their driver's license or taking the driver's license test. We need to let people know about cycling, the rules of cycling and what they need to look for by giving cyclists a three-foot clearance. At times there is no bike lane when you are in the right-hand lane, and cyclists are allowed in that lane.

On many of the roadways, motorists are speeding. For example, in the Rancho Valley, the speed limit is posted at 45 miles per hour. People are driving 75 miles per hour on Rancho Drive, and they are not being pulled over and being ticketed. Roadways such as Tenaya Way are posted at 45 miles per hour. People are driving at 50 miles per hour or more, and that is unsafe for cyclists. Once I began cycling five years ago, I changed my driving habits. I am more aware now what is going on around me.

I am a cyclist and have been riding for five years. I ride from Southwest Bikes to Mount Charleston Lodge. I mountain climb to prepare because of the elevation for the Grandfather Mountain Bike Races in Mammoth, California, and the Big Bear Gran Fondo in Big Bear City, California. I ride to Potosi Mountain. I ride from the North Las Vegas Airport, get on the highway at Wagonwheel Avenue and go to Boulder City and back. I ride in California on California State Route 1 along the coast. California does not restrict cyclists.

JOELLE GUTMAN DODSON (Washoe County Health District):

The Washoe County Health District is in support of S.B. 183 for a common-sense way to share the roadways safely. As the bill sponsor mentioned, vehicles will always win in a crash involving a bike or cyclist. This is good practice for cyclists to ensure they are also doing their part in sharing the roadway.

We spoke with the bill sponsor this morning. He was able to answer and clarify language that may have been confusing.

MICHAEL BELL:

This bill is restrictive to the places I like to ride my bicycle, such as up to Potosi Mountain. I have made that ride several times with no problems. Placing restrictions on where we can ride is un-American. Americans have the right to travel freely. We are not riding on the freeways; it is not allowed, acceptable or wise. Banning travel in any form is a slippery slope that this Legislation is proposing.

We need to build more bike paths, especially in Clark County. A perfect example is the Red Rock Canyon National Conservation Area; it definitely needs a bike path. I hope the Senators and Assembly Members will consider this as it will remedy any safety issues they are concerned with.

LISA MAYO-DERISO:

I appreciate what Senator Hardy is trying to accomplish with this bill to protect cyclists. However, even with the proposed amendments it is too restrictive for most people who are cycling in our community. The biggest boom for cycling since 1973 happened in 2020. Many people in Nevada have taken up cycling for many reasons, such as regular transportation and recreation. Additionally, we have thousands of cyclists who travel across the Country in cross-country bicycling tours through Nevada. The bill as written will be restrictive.

My suggestion to Senator Hardy is to engage the robust cycling community and put a workgroup together to talk about making S.B. 183 a good safety bill. It will meet the goals of the cyclists and Senator Hardy.

ROBERT HUTCHINSON (Southern Nevada Bicycle Coalition):

The Southern Nevada Bicycle Coalition is a bicycle advocacy group representing thousands of cyclists in the State. We oppose S.B. 183 as written. While the intent is laudable, the effect is to ban cyclists from the vast majority of roadways in Nevada. Since Nevada is entirely connected by these conduits, cycling across the State or performing various types of longer distance bicycle rides will become illegal.

In essence, by attempting to address the recent cycling tragedy, this bill punishes cyclists for those killed by an impaired driver. There are a number of better alternatives to address this issue and we would like to work with the Committee on it. Education is one alternative; teaching drivers how to properly

interact with cyclists on roadways and institute better testing of these concepts in the driver's license tests and refresher courses.

We suggest increasing the enforcement of distracted drivers and motorists driving under the influence, adding additional cycling infrastructure such as bike lanes, paths and bike trails. Lowering speed limits is another suggestion if 65 miles per hour and more is too fast for drivers and cyclists.

Any of these are a better approach to keeping bicyclists and roadway users safe without taking away the routes we ride on. We recognize the intent of S.B. 183 is to avoid a repeat of the recent tragedy that killed five of my cycling friends; however, the bill as written is the wrong approach. The Southern Nevada Bicycle Coalition is a nonprofit organization, and its main mission is to keep roadways and trails safe for biking opportunities in southern Nevada.

MATT CARTER:

I am opposed to S.B. 183 for multiple reasons. I travel around the State on many routes between localities such as Carson City and Minden. United States Route 395 is a posted 65 miles per hour zone. You can ride Foothill Road, Jacks Valley Road near Genoa or on the east side of the Carson Valley. However, those are typically rougher roadways, more elevated and sometimes require chains due to weather with no dedicated shoulders.

The opportunity to ride on the roadways between various communities in Nevada is of the utmost importance for cyclists. We ride around towns too, but Nevada is a state with cities and towns spread out, and to get to those, we need to ride on these roadways.

Blue Diamond Road to Potosi Mountain is a common ride. It is the only way to access Red Rock Canyon National Conservation Area from the south valley. It is a posted 65 miles per hour zone. We often ride it multiple times a month. Blocking the access for those riders is a poor solution to the problem. There is definitely a problem, and I am willing to work with the Committee to develop ideas and plans to have the ride and roadway safer for users.

CARLO LURI (Alta Alpina Cycling Club):

As a cyclist, I appreciate Senator Hardy's concern for our welfare and understand he has the best intentions. However, this is the wrong approach. I

question the two-abreast restriction; how could it have avoided the tragedy on December 10, 2020, in southern Nevada? I think it is not an issue.

I am opposed to S.B. 183 as it is written. We reserve the right to review the changes Senator Hardy has proposed. If in fact it does not cause cycling to become illegal on 4,400 miles of Nevada's roadways, this will be an improvement from what first came out.

This is the wrong approach to cyclist's safety. The right approach is greater enforcement of motor vehicle laws and impaired drivers and better education. We have laws in place that protect cyclists, but those are not being enforced and drivers are not aware of the laws.

Better cycling infrastructure including protected bike lanes, reducing the speed limit where appropriate and enforcing that speed limit is another. I too would like to see this turn into a cycling safety bill that addresses the cause and not the victim of the issue.

If passed as written, it will have an impact on rural counties where there are large stretches of 65-miles-per-hour roadways that connect our communities.

KEVIN FORD:

I am in opposition to S.B. 183.

JUSTIN JONES:

A tragic crash last year on U.S. Route 95 recently took the lives of five cyclists. The driver of the truck was allegedly impaired when he hit the cyclists and the safety vehicle accompanying them. That was not the only tragic crash on U.S. Route 95 last year caused by an impaired driver.

Why is the reaction to cyclists being killed by an impaired driver on a State highway to ban them? There is no equivalent reaction to motorists being killed by an impaired driver on a State highway. Why punish the victims of a tragedy?

I ride my bicycle on State Route 160 known as Blue Diamond Road frequently, as do many others. State Route 160 has a designated bike lane for part of the roadway, but is also a 65 miles per hour zone. As written, this bill will ban cycling along this popular route.

I have reviewed the proposed amendment from Senator Hardy, and I honestly do not understand it. The exceptions stated in section 5 are taken from the *Nevada Revised Statutes* (NRS) 484B.777 which applies to riding on the right side of the roadway. It does not address the concerns raised by cyclists in any way.

Since there have been statements regarding riding two abreast, NRS 484B.777 already addresses riding two abreast. I am not faulting Senator Hardy for trying to address the issue. I served with him in the State Senate and know he is an honorable man, but this is the wrong solution to the problem. Cyclists have the same right to use the roadway as do motorists; that is Nevada law.

I have worked with Chair Harris on legislation to ensure better education of cycling laws to make cycling safer. That is where we should focus the attention, not on banning cycling on many of our roadways.

ANGELA AHMET:

I am the wife of one of the victims in the fatal crash on December 10, 2020. I am also a cyclist. As a cyclist and the widow of a once avid cyclist, this bill does not achieve what it is aiming to do which is to protect cyclists. The point should not be to penalize cyclists for their ability to ride on the roadways. We should be taking more corrective action ensuring people are not impaired when they are driving. People need to understand there are significant punishments if they are found impaired from alcohol, amphetamines or whatever it may be while driving.

Other distractions such as texting while driving, should be addressed with better education and testing to ensure people have an understanding. Maybe requiring driver refreshers to remind people of the facts that cyclists are not a target or a criminal on the roadway, and ensure people understand cyclists have the same rights as others on the roadways and to be more careful.

I worked on board a cruise ship where safety was the biggest protocol. I was subject to random alcohol tests at any point during my career on board the ship. The purpose was to ensure if anything happened while the ship was at sea, I could be fully capable of helping people disembark the ship and help with the security protocols.

I fail to comprehend why drivers with trucking companies are not subject to the same random testing. It would benefit companies to have their drivers know they are open to random testing. This would be an additional precaution to stop them from taking things such as amphetamines to keep them awake.

KYLE DAVIS (Nevada Conservation League):

The Nevada Conservation League is in opposition to S.B. 183 as introduced. Outdoor recreation and helping Nevadans enjoy the outdoors are priorities of our organization. Our concerns are with the way the bill is drafted that will take away some of those opportunities.

I see there is a proposed amendment available online but have not had the chance to review it. It is possible it may take care of our concerns. We are willing to work with Senator Hardy and the Committee to reach a point that adequately protects cyclists while still allowing for recreation to continue.

EMIL ALMBERG:

I am in opposition to S.B. 183. I am a cyclist and live in the small community of Ely, Nevada. I put 7,500 miles on my bicycle last year, and the majority of those miles are on highways in excess of 65 miles per hour or more. This bill will restrict me to only riding my bicycle on the main street of Ely the entire day. It will not be enjoyable.

This bill is unfair, and I agree with the previous comments made. It is penalizing the victims of the situation. As a cyclist, I know the risks I am taking going out and riding. I ask that you not place restrictions on me or not allow me to go riding anywhere. This bill will change my lifestyle, and I will have to find another activity.

I appreciate trying to create safety improvements, but it is not making the cyclists any safer by taking our freedoms away. Not allowing us to ride what is available to us is unfair. There are no bike paths or similar types in my area, and the highway is the only place that I can ride. I trust we can find another solution with the intentions of keeping cyclists safe.

One point which may not have anything to do with the bill, but perhaps NDOT can assist in keeping some of the shoulders clean. It is debris and such on the shoulders that at times pushes the cyclists closer to the roadway and into a dangerous situation.

PAT TREICHEL (Ghost Bikes Las Vegas):

I am in opposition of S.B. 183 including the proposed amendment. Ghost Bikes Las Vegas, sets white bikes where a cyclist was killed by a motorist, and I have set too many. My goal is to never set another one. Those of us in the cycling community are tired of not seeing action or change and I think it was the Senator's intent to make change.

I wish to invite Senator Hardy or any lawmakers to sit with some groups of cyclists. We are allies and work closely together. We will work with the lawmakers to find some real changes, rather than victim shaming. Angela's husband was one of the five that was killed in the crash in December 2020. She feels this bill will hurt the victims and the people who are trying to stay safe.

I ask that this bill does not go forward and that the lawmakers come together with us. The changes we wish to see happen are not solely to help cyclists. We need infrastructure, pathways off of the roadways and barriers. When vehicles have run up onto sidewalks to purposely or accidentally kill people, no one banned sidewalks. Las Vegas has put up barriers to keep the vehicles from going up on the sidewalks. Most of our motoring fatalities are from distracted or impaired driving whether it is cyclists, runners, pedestrians, motor cyclists or other motorists. We need to work together to do away with it while we hit these problems head on versus trying to eliminate what was ... (Unintelligible statement) ... in the first place.

HEATHER FISHER (President, Save Red Rock):

I am opposed to S.B. 183. Save Red Rock was founded on principles of cycling safety. Red Rock Canyon National Conservation Area is one of the most popular cycling areas in the State. ... (Unintelligible statement) ... tourism is important to Nevada, especially small towns. Nevada is one of the greatest States to ride because of the year-round sunshine, wide open, lightly-traveled well-kept roadways.

Nevada is also one of the three most popular cross-country cycling routes in America. It is about to become more popular with the market explosion of electric bikes. No other state can claim so many cycling conditions. No other state's small towns rely on visitors for tourism, including cross-country bikers with their teams and support crews. Riding two abreast is legal and has always been legal. It is important for training and safety to ride in pairs. Riding alone is

also an important right for health and fitness reasons and, as we have learned from this past year, for mental health reasons.

We can benefit from the freedom of cycling open roadways. Will you work together with us for solutions instead of creating an additional law with restrictions? We need someone to champion safety laws that are already in effect, but for which there is little education or enforcement of either, the three feet move over law or the driving under the influence law. The only thing worse than ignoring these is taking away rights, ruining rural tourism and ignoring Nevada's best natural resource — our beautiful weather.

If this bill is in regards to taking away rights, we will never support it. If it is safety, we have solutions and appreciate your approach to trying to find solutions. We think working together will help. Listen to the cyclists. No one cares more about safety than cyclists whose lives are at stake every time they ride. Save Red Rock and the Southern Nevada Bicycle Coalition have been working on cycling safety for decades. We have specific policies and suggestions ready to make the difference if you will listen to us. If we can work together on this bill, we think a cooperative bill could be amazing for everyone involved.

SONDRA ROSENBERG (Assistant Director, Planning, Nevada Department of Transportation):

Nevada Department of Transportation will require time to review the proposed amendment to fully determine the impacts. The Department wants to ensure we balance its top priority of safety with other goals, optimize mobility, foster sustainability and connect communities. In addition, our safety program is focused on determining the leading cause of fatalities based on data. Cycling is not one of those. From 2015 to 2019, we have verified safety data showing 41 cycling fatalities, none of which occurred on roadways with a speed limit of 65 miles per hour or higher.

That timeline does not include the tragic event of December 10, 2020. The majority of bicycle crashes occur in the urbanized areas where there are more conflict points due to intersections, driveways and a variety of movement. This is not meant in any way to diminish the tragic events of last December or the need for enhanced safety considerations and improvements for bicyclists and other active transportation users. It is important to understand the scope and the problem we are trying to address in the overall system.

We look forward to working with the Committee and stakeholders on potential safety improvements for users of Nevada's transportation system, particularly those using active roadways such as walking and cycling.

CHAIR HARRIS:

For the record, there are several letters in opposition to S.B. 183 ([Exhibit C](#) and [Exhibit D](#)).

SENATOR HARDY:

I am attempting to build understanding because I think I have people at a disadvantage due to wording. What this does not do is ban bicycles from any roadways being used, single file riding or make a cyclist a criminal. It does look at two abreast as not wise when on a two-lane roadway without a shoulder. It is intended to improve safety, and we do not want any more victims.

The victim in a vehicle versus bicycle crash will always be the bicyclist. I think we need to do as much as we can to protect people. I welcome the opportunity to meet with people and resolve any concerns. I am compelled to do whatever necessary for the urban areas to protect cyclists and move people off the roadways who should not be driving their vehicle.

CHAIR HARRIS:

We will close the hearing on S.B. 183. We will open the hearing on S.B. 197.

SENATE BILL 197: Revises provisions relating to renewable energy. (BDR 58-115)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):

Senate Bill 197 is a transparency bill. The issue is whether we can produce enough renewable energy for ourselves and have enough to export. This is regarding renewable energy or energy that can be used in a different state and still meet our 50 percent portfolio by 2030. We need a written report with the details of what type and amount of energy is being produced, where it is being produced, who the customers are, and where the wires are that take the energy back and forth between us and other states.

It is a way for the Legislature and citizens of Nevada to decide how to mine solar, wind, geothermal or other renewable resources, provide knowledge and

possibly invest in our land. Is it something Nevada has earned the right to, and is there something we need to understand where we are going with it?

This bill will have the Public Utilities Commission of Nevada (PUCN) be the organization to do this. We have the Governor's Office of Energy (GOE) that has published many points.

Where I am concerned is do we have enough renewable energy for ourselves; do we have enough to share; do we deserve to obtain recompense for what we share as citizens of the State, or is that going to the investors? What is the rule of the PUCN in approving solar projects and doing more with it?

SENATOR BROOKS:

Is section 1, subsection 4 where the bill requires the PUCN to estimate the amount of land required in the future to satisfy the requirements set forth and list a provision in the Nevada Constitution the Renewable Portfolio Standard (RPS) provision?

SENATOR HARDY:

That is my understanding. The bill is not before me.

SENATOR BROOKS:

I am wondering if the PUCN can predict what the future looks like, what technologies are available, what technologies will be used, how they can do it with any level of accuracy, and why?

SENATOR HARDY:

Realistically, solar requires a certain grade, which is 6 or 8 percent, to be able to expedite how much energy they use. There is a mapping portion for this to show how much land we have and how much is usable. For instance, there are 239 thousand acres between Laughlin and Boulder City. Is that land something we want to recognize as accessible, or if accessible land, do we want to use it?

If we have a topographical map, we can say there are X number of acres. For instance, 239 thousand acres are usable for solar in my district, which is probably more renewable energy than in other districts. I am aware of how many usable acres Nevada has, how we are going to use it, and what our priority is.

If we do not have an estimate, we are probably not in a good position to determine land use. I have more questions than I have answers. Senator Brooks, you have the expertise in this area.

SENATOR BROOKS:

Will Lake Mead be factored entirely into the footprint of the power generation required for the zero-carbon energy that is now applicable under the RPS?

SENATOR HARDY:

Lake Mead is obviously a potential renewable energy source, depending on how full the lake is and how many acres are involved with producing that energy. The fuller the lake is the more potential energy we have and that will change depending on how full the lake is. If you study the lake at its peak and the lake as it is now, you will have a differential of how much is available in the hydro scheme. That is a way to estimate it.

MARTIN KNAUSS (President, Laughlin Economic Development Corporation):

The Laughlin Economic Development Corporation supports the need for a report regarding the generation of renewable energy as described in S.B. 197. This data is needed to meet the RPS as passed by the voters in Nevada. We are concerned that without this level of data transparency, Nevada electrical suppliers could be in competition with utilities outside of Nevada, and have much higher energy rates than what Nevada users pay. Thus, this could result in much higher electrical rates for Nevada consumers.

Mr. MANITTA:

... (Unintelligible statement) ... the reason is driving out to Searchlight and seeing solar panels. I am a private pilot. I fly out of the North Las Vegas Airport. If I have an engine failure and I need to put my airplane down somewhere, which was an excellent spot to land in an emergency. Now with solar panels, there is no way to land in that area. It is sad for the aviation community that more land is being taken up, even with windmills. You need to take that into consideration. Out in the desert in the bushes and brush, 90 percent of the time it is likely you will be killed trying to land.

JENNIFER TAYLOR (Deputy Director, Intergovernmental Relations, Governor's Office of Energy):

The Governor's Office of Energy is neutral on S.B. 197. I will provide some information around the data being required by this bill, its potential sources and limitations.

Senate Bill 197 will require the PUCN to prepare a report in odd-numbered years detailing information on renewable energy. It will include a description of each type and amount of electricity generated using renewable energy in this State. It will include a statement with the amount of electricity generated in Nevada using renewable energy which is sold to retail customers located outside the State.

The breadth of this information will not be available to the PUCN whose regulatory authority does not include Nevada's public power providers or many independent power producers. Additional information that may be consistent with the bill's requirements could be found through the U.S. Energy Information Administration (EIA). They collect and report on data analyses and disseminate independent and impartial energy information to promote policymaking, efficient market and public understanding of energy and its interaction with the economy and the environment.

The EIA's electricity data is primarily provided by survey respondents with some data elements being pulled from third-party sources. In the EIA's reporting, some of the information for section 1, subsections 1 and 2 could provide the State's electricity profiles which provide a number of data sets including the States net generation and net interstate exports. These are found under the supply positions tab on the electricity data site that provides information on renewable energy used for electricity generation inside Nevada.

However, EIA does not collect data on off-takers of power, nor does it provide information on the commercial exchanges between those serving in Nevada and power plants outside of Nevada. This is the information sought by section 1, subsection 3. Additionally, the EIA data has a time lag in reporting that stems from the need to obtain and finalize the respondent's feedback, which are its primary data source. As such, it takes EIA until late fall each year to finalize and release the electric power data from the previous year.

The EIA's most current data year is 2019. The 2020 data will not be released until late 2021. The request for the amount of renewable energy generation in the State that is pulled in from out-of-state is additionally complicated by the fluidity of energy markets. This includes the Energy Imbalance Market and the Western Area Power Administrator.

The excellent supply generated in-State may be sold into those markets which utilize the resources to balance the entire system, both in-and-out of State.

Section 1, subsection 4 seeks an estimate of the land in this State which is being used to generate renewable energy for in-state customers and an estimate of the amount of land it will require in the future to satisfy the RPS. The GOE is not aware of any publicly available data source that could provide this information for existing land or for an estimate of land needed in the future.

The GOE is the entity tasked with the wide development of energy resources and maintains the State energy policy. If the data sought with this bill provides the State benefits, it might provide additional benefits to expand assessments to the sources of energy generation and not merely renewable energy sources.

SENATOR PICKARD:

The information required under section 1 is available through, but not delivered directly to, GOE and may not be based on the same timeframe, except for an estimate of land needed in the future. It sounds as though the information is available, correct?

MS. TAYLOR:

The data requested for off-takers listed in the bill is not available through EIA. I am unaware of how that specific information can be obtained other than contacting the generators themselves to request who the energy off-takers are in their contracts.

There are a couple of other items being requested in the bill that may not be fully available through EIA. With the request in section 1 of the bill, we will need to track the EIA data.

SENATOR PICKARD:

The EIA is one of many sources but is also a repository with much information. If we do not have an understanding of what is available and what we may need,

it is impossible for us to estimate whether or not we could meet these requirements. We may need to amend the bill so we obtain the other pieces of information for GOE.

How do we determine the amount of land available? Are there development standards we could use to estimate based on our experience? How much land does a typical generator need in order to generate 100 megawatts or the normal unit of measure? Since we have experts working on this, can they give us an idea of how much land will be necessary? We are trying to meet a renewable requirement. Isn't there someone who can help with this?

MS. TAYLOR:

Senator Brooks commented there may not be a set pattern of the amount of land required which may be due to technology advancements and different situations within the land. Regarding the land development standards, I will have to defer to renewable energy developers, our local governments for their zoning requirements or the federal government in terms of its environmental compliance. It is a complicated question, and I understand the point. I am unaware if there is one set source that you can go to for that information.

SENATOR PICKARD:

It is probably spread over multiple sources. This is an issue, and Senator Brooks was on point. We have no idea what the future is going to bring. If we set a target, hopefully we could hit it. I understand there may be some initial difficulties in obtaining the information, but we need to have it.

SENATOR HARDY:

In 2018 and 2020 the voters approved Question 6, which was the Renewable Energy Standards Initiative supporting the renewable portfolio standard of 50 percent electricity to come from renewable energy sources. We have time to consider how it will be done. I am relieved that there are others who are uncertain of the answers to this. When we were discussing land use, I never considered that airplane pilots are looking for a place to land on dry lakes, and now a big percentage has been taken up with solar panels.

This plays a factor in what land is available and now solar panels are more productive than they were at one time. I hope we continue to have new ways of generating renewable energy. This is a transparency bill that is still in the

dark of how we are going to achieve the goal and what it will take to progress there.

Through this, where does the energy go? Does it stay here, or does it go somewhere else? Are there any investments we can take advantage of in our State and obtain the appropriate recompense and look at education and the other items we can afford?

SENATOR BROOKS:

Senator Hardy brought up a concept. This is about solar power. Is that what you meant regarding obtaining our pro-recompense to fund education?

SENATOR HARDY:

It is not, nor can it be in the bill because we do not understand what we have. We send gold out-of-State, and we acquire some amount of mineral tax. If we send electricity out-of-State; is it something we can even perform? Until we know, we are not able to have those discussions.

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Senate Committee on Growth and Infrastructure
March 17, 2021
Page 20

CHAIR HARRIS:

We will close the hearing on S.B. 197. Seeing no further business, the meeting is adjourned at 4:59 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. 183	B	1	Senator Joe Hardy	Proposed Amendment
S.B. 183	C	1	Senator Dallas Harris	Letters of Opposition
S.B. 183	D	1	Senator Dallas Harris	Letters of Opposition