

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

**Eighty-Second Session
June 1, 2023**

The Committee on Growth and Infrastructure was called to order by Chair Howard Watts at 2:33 p.m. on Thursday, June 1, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblyman Howard Watts, Chair
Assemblywoman Tracy Brown-May, Vice Chair
Assemblyman Max Carter
Assemblywoman Jill Dickman
Assemblywoman Danielle Gallant
Assemblyman Bert Gurr
Assemblywoman Heidi Kasama
Assemblywoman Elaine Marzola
Assemblywoman Brittney Miller
Assemblyman Cameron (C.H.) Miller
Assemblywoman Sarah Peters
Assemblywoman Shondra Summers-Armstrong

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Skip Daly, Senate District No. 13

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Jessica Dummer, Committee Counsel
Connie Barlow, Committee Manager

Minutes ID: 1335



Kathy Biagi, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Alexis Motarex, Government Affairs Manager, Nevada Chapter, Associated General Contractors of America
Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County
Andy Donahue, representing Southern Nevada Laborers-Employers Cooperation and Education Trust
Glen Leavitt, Director, Government Affairs, Nevada Contractors Association
Brandon Carlson, Regional Safety Manager, Granite Construction Company
Michael Ochs, Corporate Safety Director, Q&D Construction
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department

Chair Watts:

[Roll was called. Rules and protocol were reviewed.] Good afternoon. Welcome to the Assembly Committee on Growth and Infrastructure. We have one bill hearing on our agenda today and that is Senate Bill 107 (1st Reprint). Without further ado, I will open the hearing on S.B. 107 (R1), which establishes provisions relating to contractors performing work on a highway. Welcome back, Senator Daly.

Senate Bill 107 (1st Reprint): Establishes provisions relating to contractors performing work on a highway. (BDR 35-537)

Senator Skip Daly, Senate District No. 13:

When I got the word today you were going to hear it in between, I did not bother to call anybody. There are a few people here in support, but if they take longer than a minute, gavel them down.

Chair Watts:

Thank you, Senator. I appreciate your skipping straight to the heart of the issue.

Senator Daly:

I have to get back to committee myself. The main portion of the bill is all in section 1. You can see the subsections. We went through a couple of iterations on the Senate side to get this to where we want it to be. We addressed the fiscal issues. We addressed as many issues as we could from the Department of Public Safety, but essentially, we will be able to use a surplus Highway Patrol car through a program with the Department of Transportation (NDOT). The Department of Transportation actually owns the vehicles as they are bought out of the Highway Fund now. When the vehicles get timed out, they revert back to NDOT, and NDOT will establish a permitting process for contractors to use the vehicles on the highway and NDOT will determine which ones are eligible, et cetera. If they do approve it,

as you can see in the bill, that can only be done after the contractor or whoever is awarded the job and has requested a live officer if available. If not available, then NDOT can make this available. The Department of Public Safety was concerned that somebody would steal it and use it for a joy ride with the lights and stuff. So we said we will make them disabled, so they will have to tow them on and off. They can only be present when workers are there. It is not there to protect property or anything else.

This is about safety on the job for the workers. My understanding is they will park them inside of the work zone and various things. You have seen it when there are live officers there. When you come upon a work zone, they have a Highway Patrol vehicle sitting there every so often. It is effective. I know, having represented people who work out on the highway and they tell me, and they are out there all the time, You have the yellow lights, nobody pays attention; you see the red and blue lights—people will slow down. They will actually notice and they will start to be more attentive as they approach these work zones, and that is what we want. Other people say, No, I know they are busy, so they are not after me and I speed up. That does not really happen. People do slow down. They do notice and they will put their phone down if they see the lights and go from there. I do not think there is much more from that section. If there are any questions about the other sections, I am happy to answer them.

Washoe County came on behalf of all the counties and wanted to add in the office of the coroner or medical examiners to be able to go into the dead lane or the shoulder of the road in order to have that access to get to the site sooner if there is an accident and get it cleared up sooner. They did not have that authority before. This was a friendly amendment to add in. With that, I am happy to answer any questions.

Chair Watts:

Thank you, Senator Daly. We will open it up for questions, and we will start with Assemblywoman Kasama.

Assemblywoman Kasama:

Thank you for bringing this bill. I want to clarify two things. Is this basically an empty police car that is sitting there with the lights on to help with safety during a construction job?

Senator Daly:

Correct. It has timed-out or has too many miles on it, so it is going to be a retired Highway Patrol car. The lights will still be on there, but it would be otherwise disabled. There will be no radio or any of that kind of stuff left in there and it will not actually run. There are a lot of ways to disable it. You do not have to take the motor out; you can take out the distributor cap.

Assemblywoman Kasama:

I was wondering if it was taking away from the fleet where it might be needed. So, these are completely out of operation?

Senator Daly:

Yes, they are too old—too many miles, so they have been retired. They are owned by NDOT as they are paid for out of the Highway Fund now. There is a program, and the contractors can maybe speak to that a little bit more, but my understanding is they have it worked out with NDOT because they recycle the lights, and NDOT will take the lights off an old patrol car and put them on a new one. The contractors are going to pay for however many there are going to be. They will reimburse NDOT for the cost of the lights. They will get new lights on whatever new cars they get, and they will have a fleet. We do not think there will be more than about 10 or 12 that will be in this situation—at least, that is what we are anticipating. The Department of Transportation has complete control over how many permits they will actually give out.

Assemblywoman Kasama:

It sounds like a good bill for use of these older vehicles.

Senator Daly:

Thank you. It will create a safer work zone on the highways; I am sure of that.

Chair Watts:

Thank you very much. Members, are there additional questions?

Assemblywoman Dickman:

I hope I did not miss this when I came in late. Why do we have to establish this permit? Is there something that would prohibit this from being done right now?

Senator Daly:

There would be and you can see some of the language in the bill where, if you did not have a permit or NDOT was unauthorized, you could be accused of impersonating an officer or various things. There is language in there that says you are not doing that, and we wanted it to be controlled. At first we were saying, Hey, let contractors just purchase the vehicles. That was an issue with the Department of Public Safety. They said No, we do not want private entities having these official vehicles. That is why they are owned by NDOT. The Department of Transportation is going to get the permit, and it is going to be a state agency that has control and oversight over all of it. I think that is the better way as well.

Assemblywoman Peters:

Thank you, Senator Daly, for bringing this bill. I am one of those folks who ends up on the side of the road sometimes, and geez Louise, the way people drive around just the amber flashing lights is almost crazier than if the car was actually moving, in some cases. I am not on active construction zones, but I appreciate the effort to make them safer for folks. It is silly how people treat the folks on the side of the road who are trying to help make sure our infrastructure is being maintained appropriately. I appreciate the purpose of the bill.

Chair Watts:

Thank you. Members, are there any additional questions? Seeing none, thank you for the presentation, Senator Daly. With that, we will move to testimony, and we will start with testimony in support of Senate Bill 107 (1st Reprint).

Alexis Motarex, Government Affairs Manager, Nevada Chapter, Associated General Contractors of America:

I want to start by thanking Senator Daly for introducing this bill at our request. I would be happy to answer any questions, but in an effort to keep it to a minute per the earlier threat, I will keep this short. In 2023, 55 percent of highway contractors report that motor vehicles crashed into their construction work zones during the past year, putting motorists and workers at risk, according to the results of a new highway work zone study conducted by the Associated General Contractors of America and HCSS [Heavy Construction Systems Specialists]. The study was released last week. What we are simply trying to do is lower that number by making our work zones safer for both our crews and the driving public.

Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County:

We are here in support of the bill, particularly section 2. We appreciate Senator Daly allowing us to add this amendment in there. This Committee passed a bill earlier this session to allow emergency vehicles to drive on the shoulder in certain conditions. That bill did include coroners, but we need to be designated as an emergency vehicle in order to use those provisions and get the correct permits. So we would appreciate your support. Thank you.

Andy Donahue, representing Southern Nevada Laborers-Employers Cooperation and Education Trust:

We are very pleased to be supporting this safety measure. Thank you.

Glen Leavitt, Director of Government Affairs, Nevada Contractors Association:

We are also in support of this bill. Thank you.

Brandon Carlson, Regional Safety Manager, Granite Construction Company:

Good afternoon. To humanize this a little bit, we deal with this almost on a daily basis. To Assemblywoman Peters' point, it is very, very real when you have cars and accidents that happen all the time as they crash into our work zones. It affects our employees' lives. Usually when these things happen, it is a life-or-death situation and a lot of times we get lucky. Having this presence out on the highway and being able to have a police presence out there on the job site is a huge benefit for us.

This is something that we deal with on a weekly basis. Last week, we had a traffic controller setting up signs. He got clipped by a mirror of a public motorist who was distracted texting and driving. More so now than ever, it is not only impaired drivers, it is texting. It is all the

distractions that are happening in the cabs of vehicles, and it is our fellow Nevadans and everybody who is right out there building our infrastructure who end up being the result of that mistake that is had out on the road. Anything that we can do to help protect these folks on the roadway, we should absolutely do it. I am in full support of it.

Michael Ochs, Corporate Safety Director, Q&D Construction:

We appreciate your time in considering this bill. Public safety is so important to our 650-plus employees on the road. Last Tuesday, we had an auto-pedestrian issue where a driver coming into one of our work zones, not paying attention, may have dozed off, actually hit one of our employees and sent him to the trauma center. He is okay—they put him back together. But you know, those are the issues that we deal with day in, day out with everybody we have on the road. I am in Elko right now—all the paving on Interstate 80, everything we have going on. This is something we really need.

I understand from the Nevada Highway Patrol their struggle to staff this. We are not looking to cut this out from anybody. We are just looking to supplement what we have. We have talked to local sheriffs' departments for help supplementing these contracts. Some of the rural departments are unable to staff these, so this is just a third option for us to help get some visual acuity on the roadways to help people slow down and protect everybody on the road and our people during these projects.

Chair Watts:

Thank you very much for your testimony. Do we have anyone else wanting to testify in support? [There was no one.] We will move to testimony in opposition to Senate Bill 107 (1st Reprint). [There was no one.] Seeing no one, we will go to testimony in neutral to Senate Bill 107 (1st Reprint).

**Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We appreciate Senator Daly, and we appreciate being part of the stakeholder discussions. Las Vegas Metropolitan Police Department is in neutral.

Chair Watts:

Is there anyone else wishing to testify in neutral? [There was no one.] Thank you.

Senator Daly, any closing remarks?

Senator Daly:

Thank you, Mr. Chair and members of the Committee. Thank you for hearing the bill. I appreciate it, and I hope you have a good rest of the afternoon. I went as quickly as I could.

Chair Watts:

Thank you. I think you did very well, Senator, as you tend to do. If you want to hold up one minute, I will now close the hearing on Senate Bill 107 (1st Reprint).

As stated previously, under our Assembly Standing Rules, I do have authorization from the Speaker to waive the 24-hour time period between hearing and taking action on the bill. I will open the work session on Senate Bill 107 (1st Reprint), which establishes provisions relating to contractors performing work on a highway. Members, are there any questions on this measure? Seeing none, I would accept a motion to do pass Senate Bill 107 (1st Reprint).

ASSEMBLYWOMAN BROWN-MAY MADE A MOTION TO DO PASS
SENATE BILL 107 (1ST REPRINT).

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN BRITTNEY MILLER
VOTED NO.)

I will have Assemblywoman Peters take the floor statement.

Members, we have another item that we will take action on under our work session and that is Assembly Bill 524, which we heard in joint session. With that, I will turn it over to Mr. Stinnesbeck.

Assembly Bill 524: Revises certain provisions governing electric utilities. (BDR 58-985)

Jann Stinnesbeck, Committee Policy Analyst:

Assembly Bill 524, stated by the Chair, was heard on May 30, 2023, in the joint session and it revises the definition of "facility for the storage of energy from renewable generation." It also provides a legislative declaration relating to the affordability, availability, and reliability of the supply of electricity in Nevada [[Exhibit C](#)].

It requires the integrated resource plan of an electric utility to include certain scenarios and information and authorizes an electric utility to submit such a plan more frequently than once every three years. It also requires the Public Utilities Commission of Nevada to adopt regulations governing the way and circumstances in which an electric utility may file an amendment to its resource plan.

Lastly, the bill authorizes an electric utility to file a general rate application more frequently than once every 36 months. There is one proposed conceptual amendment to the bill by Assemblyman Watts, which revises the information that must be provided with respect to each scenario included in the integrated resource plan of an electric utility.

The language for the conceptual amendment is on the back of the work session document which should be in front of you. Thank you, Chair.

Chair Watts:

Thank you, Mr. Stinnesbeck. Before I open it up, I just want to note the conceptual amendment that was provided in the joint hearing, in further conversations will not be moving forward with item number 2 in that conceptual amendment. It would only be item number 1 in the clarifying language and item number 3. With that, members, are there any questions on this measure? Seeing none, I would accept a motion to amend and do pass Assembly Bill 524.

ASSEMBLYWOMAN BROWN-MAY MADE A MOTION TO AMEND
AND DO PASS ASSEMBLY BILL 524.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement.

Members, that brings us to our last item on our agenda today, which is public comment. Is there anyone who wishes to provide public comment? [There was no one.]

That concludes all of our business at this time. We may be together again. Who knows, but until then we are adjourned [at 2:51 p.m.].

RESPECTFULLY SUBMITTED:

Kathy Biagi
Committee Secretary

APPROVED BY:

Assemblyman Howard Watts, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for Assembly Bill 524, presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.