

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

**Eighty-Second Session  
March 8, 2023**

The Committee on Natural Resources was called to order by Chair Lesley E. Cohen at 4:02 p.m. on Wednesday, March 8, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada and to Room 130, Greenhaw Technical Arts Building, Great Basin College, 1500 College Parkway, Elko, 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](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Lesley E. Cohen, Chair  
Assemblywoman Natha C. Anderson, Vice Chair  
Assemblywoman Venicia Considine  
Assemblyman Rich DeLong  
Assemblywoman Bea Duran  
Assemblyman Bert Gurr  
Assemblywoman Alexis Hansen  
Assemblywoman Selena La Rue Hatch  
Assemblyman Howard Watts  
Assemblyman Toby Yurek

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Shannon Bilbray-Axelrod (excused)  
Assemblywoman Tracy Brown-May (excused)

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Nicolas C. Anthony, Committee Policy Analyst  
Connie Barlow, Committee Manager  
Nancy Davis, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Aaron Kressig, Manager, Transportation Electrification, Western Resource Advocates  
Jermareon Williams, Manager, Nevada Government Affairs, Western Resource Advocates  
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association  
Sandra Koch, representing Nevada Clinicians for Climate and Health  
Michael Hillerby, representing Republic Services  
Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association  
Rose Wolterbeek, Member, Toiyabe Chapter, Sierra Club  
Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber  
Dylan Shaver, representing Washoe County School District  
Tom Clark, representing Reno + Sparks Chamber of Commerce  
Patricia Haddad, Director, Government Relations, Clark County School District  
Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League  
Chelsea Capurro, representing Urban Chamber of Commerce; and Opportunity 180  
Katie Roe Ryan, Director, Public Policy, Dignity Health-St. Rose Dominican  
David Cherry, Manager, Government Affairs, City of Henderson  
Gabriela Olmedo, Associate, Advanced Energy United  
Dave Robba, Manager, State Policy, Transportation, Ceres  
Brian Robb, Director, Government Relations, Lion Electric  
Will Drier, Senior Policy Manager, Electrification Coalition  
Melissa Ramos, Senior Manager, Clean Air Advocacy, American Lung Association  
Jaina Moan, External Affairs Director, The Nature Conservancy  
Alexis Motarex, Government Affairs, Nevada Chapter, Associated General Contractors of America  
Jeffrey Kinder, P.E., Deputy Administrator, Air Programs, Sustainable Materials Management, Industrial Site Cleanup, and Corrective Actions, Division of Environmental Protection, State Department of Conservation and Natural Resources  
Annette Magnus, Executive Director, Battle Born Progress  
Will Adler, representing Pyramid Lake Paiute Tribe  
Clifford Banuelos, Tribal-State Liaison, Inter-Tribal Council of Nevada  
Jennifer Lanahan, representing Reno-Sparks Indian Colony; and Las Vegas Paiute Tribe  
Stacey Montooth, Private Citizen, Carson City, Nevada  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Taylor Patterson, Executive Director, Native Voters Alliance Nevada

Warren Graham, Chairman, Duckwater Shoshone Tribe  
Michael Willoughby, Private Citizen  
Teresa Melendez, representing Shoshone-Paiute Tribes of the Duck Valley Indian Reservation  
Brian Melendez, President and CEO, Tribal Minds, Incorporated  
Robert Mergell, Administrator, Division of State Parks, State Department of Conservation and Natural Resources

**Chair Cohen:**

[Roll was called. Rules and protocol of the Committee were reviewed.] I will open the hearing on Assembly Bill 184.

**Assembly Bill 184: Establishes an incentive program for the purchase of certain zero-emission medium-duty and heavy-duty vehicles. (BDR 40-588)**

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

It is my pleasure to present Assembly Bill 184 for your consideration. We have a brief presentation today [[Exhibit C](#)]. I am joined by representatives from Western Resource Advocates who will explain just a little bit about how this measure came to be, what it does, and provide some high-level context. I will speak followed by those joining me at the table. I will then do a brief walk-through of the bill and a proposed conceptual amendment [[Exhibit D](#)].

Assembly Bill 184 seeks to leverage federal funds to create a new incentive program, the Clean Trucks and Buses Incentive Program (CTBIP) to support the electrification of medium-duty and heavy-duty vehicles [page 2, [Exhibit C](#)]. It is leveraging new funding from the bipartisan infrastructure law that is specifically dedicated towards reducing air pollution, specifically carbon pollution, from our atmosphere. The goal is to house this program within the Division of Environmental Protection (NDEP). They have significant experience running similar programs both through the Diesel Emissions Reduction Act as well as administration of the Volkswagen Clean Air Act settlement funds to do exactly this: to help replace polluting larger duty vehicles with cleaner alternatives, including electric vehicles.

The CTBIP provides support for small-business owners, fleets, and public transit. This applies to both public and private agencies. It has a focus on small businesses, minority-owned businesses, and historically underserved communities. One of the things that I am really passionate about is making sure that we seize this momentous opportunity that these federal laws have provided in terms of resources. While the core of this program is to use some formula funding that we can count on coming to the state by having this program set up, it positions us to apply for and hopefully successfully receive additional federal dollars to further amplify the impact of the program.

Page 3 shows a wide range of medium- and heavy-duty vehicles (MHD) across different weight classes. Class numbers are assigned based on the various gross weights of vehicles.

To simplify that, page 3 helps show the many different types of vehicles. We are talking about a whole wide range of delivery vehicles, delivery trucks, moving vans—for a whole variety of different uses—semitrucks, utility vehicles, including garbage trucks, as well as public transit buses, and even school buses. I think it is worth noting that these vehicles are going to be on our roads no matter what, no matter how much we improve our public transit system, we are still going to need that last-mile delivery. We are still going to need those utility service providers. Hopefully we are going to continue to expand our use of public transit. These vehicles in particular, as you will hear, are disproportionate emitters of air pollution. One of the big goals of this program is to help reduce that air pollution.

I will say that this is also aligned with our economic development strategy. The latest Office of Economic Development vision for the next five years is an electric, innovative, and connected future for the state of Nevada. This fits right into continuing to accelerate our leadership in the electric vehicle sector and in clean technology where we have already become a hub. I think this will continue to put us on the track to become a national clean transportation leader. Again, we have done clean cars programs and we have led the way in developing an electric vehicle highway. We have additional funds coming to support the development of electric vehicle charging, both from the federal government and from utility investments. This is something that we have done a lot to lead on. I think this is a great next step in that direction. These investments save businesses money; they save taxpayer dollars with our transit fleets; they attract companies here that are interested in sustainability, either in developing these technologies or utilizing them; and they drive high-value vehicle sales and registrations within our state. This is a huge economic opportunity for the state of Nevada.

Every vehicle that we take off the road will significantly reduce air pollution, helping us with Clean Air Act compliance and improving public health. I want to note, because we are talking a lot about vehicles, some folks might be wondering why this is before the Committee. It is because NDEP is going to be administering this program and it is tied back to some of our clean air and air pollution reduction goals. A handful of states do have these programs. Again, I am really excited about the opportunity to leverage some additional dollars. With that, I am going to turn the floor over to my copresenters.

**Aaron Kressig, Manager, Transportation Electrification, Western Resource Advocates:**

I am going to provide a little more context on the MHD vehicles. Page 4 [\[Exhibit C\]](#) answers, Why electrify these large vehicles? To summarize these graphs, the reason that these are a good target for electrification is that, although MHD vehicles only make up a small percentage of the total vehicles on the road—5 percent nationally—they are responsible for a very high percentage of air pollutants that are emitted by the transportation sector. When you look at on-road oxides of nitrogen emissions and on-road particulate matter (PM) 2.5 emissions, they are primary contributors to negative public health impacts. In the case of PM 2.5, almost 50 percent of transportation emissions from the on-road portion of the sector are from MHD vehicles. With every vehicle that you are able to electrify, you get a good bang for your buck in the public health perspective. One MHD vehicle is going to

drive a lot of miles and it is going to be emitting quite a bit of air pollution. Each one that we electrify, we are able to help drive down emissions across the state.

Another component of this is that MHD vehicles tend to operate disproportionately in communities already burdened by poor air quality. When you look at this graph on the far right of page 4, it is showing that historically underserved communities and communities of color tend to bear the highest portion of harm that comes from on-road transportation emissions. This is not just about cleaning up our air, it is about cleaning up our air for those who need it the most.

There have been several large federal laws that have been passed in recent years. The Inflation Reduction Act and the bipartisan infrastructure law are the most relevant for this discussion. The graph on page 5 is showing that the Inflation Reduction Act did create a tax incentive for MHD vehicles. Even with that incentive, the price difference between a traditional fossil fuel-powered MHD vehicle and a zero-emission one is still quite significant. I would direct you to the light blue bar on this graph; it shows the cost differential between a traditional vehicle and a zero-emission vehicle for different types of vehicles. For example, with a transit bus, the difference between a zero-emission vehicle and a traditional one is still \$400,000, according to these numbers from Resources for the Future. Even with the \$40,000 incentive that is available through the Inflation Reduction Act, we are still looking at a large price disparity. For some vehicles, it is a smaller difference; for vehicles such as walk-in vans or cargo vans, that number is smaller, but it is still significant. Incentive programs like this one can help close that gap that is still present even after the tax incentives in the Inflation Reduction Act.

As Assemblyman Watts mentioned, these voucher programs have been operating for a number of years in other states. Page 6 shows a few examples. These states have leveraged a number of different funding sources, including funding sources from the Federal Highway Administration, the Congestion Mitigation and Air Quality Improvement Program, and the Carbon Reduction Program. The primary source of seed funding sought out in this legislation is also from the Federal Highway Administration, and there are a lot of similarities there. Some of the more successful ones include the New York Truck Voucher Incentive Program, which has been running for about ten years and has helped to get hundreds of electric trucks on the road. It has been funded in large part through federal funding from the Congestion Mitigation and Air Quality Improvement Program, in many ways it is similar to what is being proposed here, as well as other sources of funding like the Volkswagen settlement fund and others. Some of the other programs are a little bit newer: the New Jersey program has been around since 2021 and has already awarded \$40 million in grants in just over a year and a half. The Massachusetts program is also only about two years old, and has already supported 222 vouchers for trucks. Drive Clean Truck in Illinois is one of the early versions of a voucher program, also funded through federal funding from the Congestion Mitigation and Air Quality Program. To summarize, one of the facts that we find very interesting is that when you look at the zero-emission MHD trucks on the road today, 80 percent of those trucks are in states that have incentive programs like the one being proposed in this legislation.

**Jermareon Williams, Manager, Nevada Government Affairs, Western Resource Advocates:**

I want to go over how this program would be funded [page 7, [Exhibit C](#)]. It is going to be funded through the Carbon Reduction Program (CRP). This new program created through the bipartisan infrastructure law is for projects designed to reduce carbon dioxide emissions from on-road highway sources. The CRP can be used for a variety of projects, including MHD vouchers, as long the project demonstrates three things: demonstrate that it would support the deployment of alternative fuel sources; reduce the environmental and community impacts of freight movement; and demonstrate reductions in transportation emissions over the lifespan, which this incentive program would do.

Thirty-five percent of Nevada's allocated CRP funding can be used in any manner that the state sees fit, as long as it meets those objectives that I laid out. The CRP is a formula program which means that it does not require any competitive applications. It is automatically allocated to Nevada.

Page 8 details the proposed Carbon Reduction Program allocations for this program. As I touched on earlier, 35 percent of Nevada's Carbon Reduction Program funding would be allocated towards this program. The first year, 2024, we see \$3,997,000 going to this program. In 2025, it is a little over \$4,078,732. In 2026, \$4.1 million would be allocated towards the Clean Trucks and Buses Incentive Program. Since it is seed funding, that means that it directs NDEP to seek additional funding from new federal competitive grant funding sources, including the Clean Heavy-Duty Vehicles grants program, Greenhouse Gas Reduction Fund, as well as the Diesel Emissions Reduction Act funds. The thing about this program is, when you have a dedicated clean trucks program, it makes Nevada more competitive to seek additional federal funding.

Page 9 shows the incentive amounts. Assemblyman Watts said that there are going to be adders for minority-owned businesses, small businesses, and public schools. I also want to go over the base incentive levels for each vehicle type. For class 2b, the base level of funding that you can expect is \$20,000. For class 3, \$50,000; for class 4, \$65,000; for class 5, \$75,000; for class 6, \$90,000; for class 7, \$135,000; class 8, \$175,000 would be the base incentive for those vehicles. I do want to say that you would not be able to qualify for more than two of these adders. For example, minority- and veteran-owned will get a 5 percent increase; small-business owners will get a 20 percent increase, independent owner-operators will get a 33 percent increase for this incentive program. Transit authorities will get a 10 percent increase. Public schools get a 10 percent increase, and public schools that are in underserved communities will get a 20 percent increase for these incentives. That concludes our presentation.

**Assemblyman Watts:**

I will briefly walk through the provisions of the bill. Sections 2 through 15 provide various definitions that are referenced throughout the bill. Section 16 is essentially standing up the program by creating a dedicated account and authorizing NDEP to seek additional funding to supplement the program.

Section 17 is what really stands up the program. It essentially tasks the Division with creating a framework of what vehicles are going to be eligible and the sellers who are going to be participating in this process. It involves the collaboration of working with the manufacturers to make sure that we know which vehicles are eligible for the program. It also includes upfit or retrofit vehicles and those who are completing the sale, which may be a manufacturer or a dealer, and the purchaser. You will see the base incentive levels in section 17, subsection 4, shown on page 9 of the presentation [[Exhibit C](#)]. What we have seen is that the cost differential grows as the size of the vehicle increases. We have also phased the incentive levels to adjust as those vehicle ratings increase. Following that, section 17, subsection 5, discusses multipliers, including independent truck operators, small businesses, minority-owned businesses, regional transportation commissions (RTCs), and schools. You can see that it includes school districts, charter schools, or university schools for profoundly gifted pupils—in other words, every school entity that we discuss in the state.

Section 18 discusses some additional details around how the process is supposed to work and requiring that collaboration between the different entities to make sure everything is put together. The goal of this is to reach that cost parity. There are some controls in place in this policy to make sure that this would only get you to cost parity with a diesel or fossil fuel counterpart. There was some work done here to figure out what that is, and no matter what adders or multipliers you have, the goal is to reach cost parity. It is worth noting that there are significant fueling and maintenance savings on these vehicles compared to internal combustion engine vehicles over the life of the vehicle. Section 18 has other things to make sure that we are in alignment with some of the federal policy objectives and goals.

Section 19 discusses the application process to ensure that the voucher is issued. Section 20 has some of the requirements for someone seeking to obtain one of these vehicles, including how long the vehicle must be operated here, that it must be domiciled within this state, that it will operate for a certain amount of time per year, and that it will be operated primarily within this state. I will also speak to that in the conceptual amendment [[Exhibit D](#)].

Section 21 has a review process for applications on a quarterly basis to see who is interested in participating and make those determinations so that sales can proceed. There is a little bit of a timeline and a structure so that this does not become an overwhelming, constant process. There is a period to apply, to be considered based on the funding that is available, then there will be some decisions made. For some, the funds might not be available at that time; they may be wait-listed and considered in the next round. Some of the things that are involved in this evaluation in determining who gets these incentives include: is the vehicle operating in some of these historically underserved communities, and does the buyer qualify for some of those multipliers? I think impacting our transit fleets and helping our small businesses are things that should give a little bit of a preference when applications are being considered with others. That is a quick summary of the bill.

I would now like to also address the conceptual amendment [[Exhibit D](#)]. It has a few key elements. One is amending the program language. When we have that multiplier for minority businesses, we want to ensure it covers all the different categories that we have

already included in other areas of statute: making sure that women-owned businesses are included as well as LGBTQ-owned businesses. In conversations with different stakeholders, I decided to adjust the caps on this program. We know there are some large entities that could potentially procure a lot of vehicles; we do not want them to be left out of the process, but we also want to make sure that there is plenty of room for smaller businesses to have a bite at the apple.

Originally, we looked at capping what could be received in a given year, of five vehicles and ten vehicles for some of our fleet operators such as school buses and RTCs. We are proposing to move those up to 10 and 15 so that it provides a little bit of additional opportunity for some of the larger operators including our fleets, but still make sure that there is going to be ample opportunity for smaller operators. We have proposed modifying some of those requirements I just referenced in section 20: having the vehicle domiciled and operating in the state for three years instead of five, and changing the requirement that it be operated at least 75 percent of the time in the state to the majority of the time. The idea behind this is that the whole goal is to improve air quality in Nevada. Even if a vehicle is based here, if it is spending most of its time out of the state, those air quality benefits are not accruing here. We do know we have connections with neighboring states and there may be operators going back and forth. We felt changing that to majority of the time just provides a little bit more leeway to some of the folks who are engaging in those activities.

Finally, we want to make clear that the Division has the ability to penalize an eligible entity if they fail to comply with some of those requirements. We are going to leave it up to the Division to determine exactly what that looks like, but we want to make sure that there are some teeth behind upholding their end of the bargain.

We have had ongoing conversations with various stakeholders about streamlining some of the language in the bill, maybe allowing for more of this process to be developed in regulatory process. We will probably be coming with some additional amendments for consideration along those lines. We have had ongoing conversations with the state Department of Transportation (NDOT) on the program structure and making sure that it complies with federal law. We are probably going to have some language tweaks for exactly how it is set up to ensure that can happen, that there are proper partnerships put in place with the NDEP, so we can get those funds from the U.S. Department of Transportation to NDOT and to our experts in the state at running these types of programs.

It was also brought to my attention fairly late that at least in section 8, it is not entirely clear state agencies would be eligible to participate in this program. We will be making an adjustment there as well, so that not only can our school districts and RTCs take advantage of this, but NDOT, for example, has a significant fleet of large-duty vehicles and I want any eligible entity to be able to take advantage of that.

In closing, this is something that will be really beneficial to continuing to advance innovation and leadership in this sector. These prices, just like other clean technologies, have declined fairly rapidly over time. This program envisions three years of that funding and potentially



could be expanded, and perhaps we can bring in some additional resources. This is intended in the near term to help drive that innovation as technology is scaling and the costs are coming down. We talk a lot about electrification, and I do want to note that in the definition of zero-emission vehicles, it includes hydrogen fuel cell technology as well, which generates electricity, so they are still, in a sense, electric powered. I just want to be clear that the definition of zero emissions technology is broader than purely battery-powered technology.

**Assemblywoman La Rue Hatch:**

I think vehicle emissions is something we need to be tackling. Section 18, subsection 2(b) states the final assembly of the truck or bus must be in the United States. Is that to meet a federal requirement? I know there are some vehicles where 90 percent are made in the U.S. but assembled somewhere else, and that causes challenges.

**Assemblyman Watts:**

Both the bipartisan infrastructure law and the Inflation Reduction Act had some "Buy America" provisions within it. This is the simplest way that we could find to make sure that is addressed. That is a big conversation, not just in medium- and heavy-duty, but also in light-duty, including everyday passenger vehicles. I know that several companies are now looking to develop plants and other facilities here in the U.S. so they can qualify for tax credits and other incentives. I think it is helping drive economic development and activity here in the United States. The purpose of that provision was to align with some of those federal standards.

**Assemblywoman La Rue Hatch:**

My second question is on the 20 percent for schools in historically underserved communities. How is that being determined? I know that there is a statute for that term, but our school zoning lines do not always line up perfectly with historically underserved. Are we looking at Title I as a shortcut, or free and reduced lunch? What are you looking at for that measure?

**Assemblyman Watts:**

Based on the definition that exists in statute, I think there are already some maps out there. We can work to get some follow-up information both with the definition and some of the areas that qualify in the state. Clark County School District and Washoe County School District are definitely going to have multiple areas that would qualify as historically underserved communities. The goal is to get the buses in those communities. I know that some of this language says at the district level. We want to make sure they are going to the places that will benefit from them the most. We would definitely be open to some additional conversations on how we can achieve that goal. We do not want the larger districts—because the district includes some historically underserved communities—to deploy the vehicles in other areas, at least not with the multiplier and the special considerations. The goal is to deploy buses in communities that need it and qualify for some of the bonuses related to that.

**Assemblywoman La Rue Hatch:**

I would love to chat offline on those details. I think our school districts buy buses as a whole district and then the buses are used in multiple places on multiple routes. The buses may be going to a historically underserved community in the morning and somewhere else in the afternoon, or even changing throughout the year. I think if we can just figure out how we can nail down that language with the way that the districts actually work, that would be great.

**Assemblyman Watts:**

I will be glad to continue conversations with you and with school district representatives offline about that. I will say that recently Clark County School District got the highest possible award from the Environmental Protection Agency to procure electric school buses. I think it did have some specific schools and areas that they plan to deploy those buses in and have some associated charging infrastructure.

**Assemblyman DeLong:**

Section 18 is contemplating what looks like a fair amount of activity for NDEP's Bureau of Air Pollution Control or Bureau of Air Quality Planning. The conceptual amendment [\[Exhibit D\]](#) sounds like you are adding some compliance requirements to the Division also. I know the Division is in attendance and they may be able to answer this, but what about staffing? This appears to create at least one or two positions. I do not see anything in the bill about that.

**Assemblyman Watts:**

I do not want to speak too much for the Division. I am sure they will come up at some point and they can potentially add some additional context. What I will say is, the goal of the program is for some of these funds to be used for administration. Some of that funding can be used to stand up and administer the program. When we talked about some of those big picture numbers, some of that would be used for administration and the remainder would go toward the grants. In short, I do not think the capacity is necessarily there right now; it is envisioned that the resources we talked about would be used to help bolster that capacity. The final thing that I will add is that through some of NDEP's diesel emission reduction programs, they do have experience administering similar programs. I think that will be beneficial, and potentially some of the further streamlining of the language can really help align that with some of their existing programs and expertise.

**Assemblywoman Hansen:**

You mentioned hydrogen fuel cells would qualify. Do natural gas vehicles qualify? I know that natural gas is considered a clean fuel, but it is a fossil fuel.

**Assemblyman Watts:**

Those would not qualify. Because they do still have emissions, they do not qualify as zero-emissions vehicles.

**Assemblywoman Hansen:**

Just to clarify, did you say hydrogen fuel cells would qualify?

**Assemblyman Watts:**

That is correct.

**Assemblywoman Hansen:**

In looking at the amendment [[Exhibit D](#)], the original language in section 20, subsection 1, said to receive an incentive for the purchase of an eligible clean truck, an entity must agree to operate the clean truck or bus for at least five years. The amendment says three years. You alluded to regulation. In order for me to get comfort with the bill, how is this compliant? Who is going to prove? How do they know the truck or bus was used for three years? Is the owner or the entity that has the vehicle going to have to do some sort of annual reporting? What would that look like?

**Assemblyman Watts:**

We are trying to make this minimally burdensome for folks; for example, having it domiciled by proving that it has been registered in the state. I do not want to speak too much for the Division because some of these requirements can be figured out in a rulemaking process with stakeholder feedback on the best way to accomplish this. It could be anything from an affidavit, some sort of logs, et cetera. I think there are a variety of ways that will be fleshed out in a deeper conversation regarding those who would be eligible to take advantage of the program.

**Assemblywoman Considine:**

I am a little confused about the voucher process, and I am hoping you could go over it. For example, it seems it would be pretty clear when an independent truck operator would apply. I think I am getting a little confused with section 19, subsection 3(b), where it says an approved contractor may submit an application for a voucher on behalf of an eligible entity. Section 19, subsection 3(c), says, "Redeem a voucher . . . after selling." I think I am confused about how those work and if they are different. If there are contracts, is somebody getting something direct?

**Assemblyman Watts:**

My colleagues can jump in here if I oversimplify it to the point of getting it wrong. Basically, these are larger, more sophisticated entities, even small businesses. The idea is, the program is out there. When somebody eligible is looking at a vehicle, he is going to be talking with whomever is planning to make that sale—dealer or manufacturer. There is going to be a conversation about eligibility to apply for this program that might also help them close the deal, and they work together to compile all the necessary information. The goal of this is that it is applied cash on the hood at the point of sale. It is not a rebate that someone has to put up the capital for and then wait for some period of time to recoup. So the potential purchaser and the seller work to put in that application. They wait for the application to be vetted by the Division, and once it is approved, they can complete the sale. The goal is to try to get that transaction completed as soon as possible. The Division would transfer the appropriate incentive amount to the seller.

**Aaron Kressig:**

I would just say that the approved contractor is ultimately the seller of the vehicle. The purchaser of the vehicle is sometimes called the eligible entity. There are two separate entities, there is the business that is selling the truck and there is the purchaser who is going to be using and operating the truck. There are two separate categories of entities in this bill.

**Assemblywoman Considine:**

What is the turnaround time in other states where this is happening? Also, for clarification, if the buyer is purchasing a truck and he has applied and the seller receives the voucher, the buyer is paying the difference of what the voucher amount is and what it would normally cost if it was not a zero-emissions vehicle, is that correct?

**Assemblyman Watts:**

In terms of the turnaround time in other states, we can follow up with you to get some of that information. In terms of the process, it took me a while to wrap my head around this because this is different than the vehicle purchases that we normally do as individuals. These are high-dollar purchases that are often planned out in advance. It is not that someone comes in on a whim, takes a test drive, and completes the sale. That is why this process envisions, as part of the ongoing conversation, negotiation which sometimes takes a while. These vehicles have to be commissioned, constructed, and delivered. As that process is going on, there can be a process of applying for this voucher that applies and reduces the upfront cost that the buyer would pay. Just to make sure this is clear, the floor would be what it would cost to get a comparable internal combustion engine vehicle; it would not go below that.

**Assemblywoman Anderson:**

I am looking at the proposed amendment, in particular number 5 [page 2, [Exhibit D](#)]. I want to make sure I am understanding correctly that the penalties would actually be done at the Division level and the regulatory language, which would then be approved by the commission. Is that correct?

**Assemblyman Watts:**

That is correct. As we have these conversations, I think we are probably going to do some additional streamlining of the language so that it is even clearer and easier to understand and allow some of these details to be flushed out by the Division in a way that makes the most sense for them to administer the program. This would be one of those things. Instead of trying to prescribe exact penalties in statute, let the Division figure all that out.

To Assemblywoman Hansen's question as well, maybe there is a miscommunication. The goal is to have a process that has a lot of stakeholders to figure out the appropriate way to verify these requirements that we are asking from the purchaser. Also, that there is an appropriate process to try to fix any issues upfront. If somebody is intentionally trying to game the system and not follow the layout, there must be some form of penalty and teeth to that to ensure that does not happen.

**Assemblywoman Hansen:**

As we look at a transition from combustible engine to electric vehicles, vehicles are only as good as the support system to repair them. We are seeing a total change now in technology and repair. How robust is that? We are seeing this gradual transition. Do we have the workforce to support these vehicles that are going to be incentivized because of money? Are we going to get ahead of the curve? I know these will be new vehicles, but when there are problems with them, what does that workforce look like to support these vehicles needing repair?

**Assemblyman Watts:**

When we talk about some of the support networks with charging electrical contractors, I think there is a strong labor force out there to continue development of programs to educate and improve the credentials of mechanics, electricians, and contractors who do this work. I am sure there is something that we could continue to do to help bolster the kind of electric vehicle maintenance workforce and work with some of our institutions of higher education. I do not think that is contemplated in this bill, but I would be glad to continue those conversations. I think that goes to a higher-level conversation as we look at some of our economic development and diversification strategies, workforce really is critical to that. We do want to make sure that is incorporated into the overall vision as well.

**Chair Cohen:**

I understand about the 35 percent that was allocated for the CRP funding that can be used in any manner we see fit if we meet the objectives. I understand that the trucks and vehicles are a really good bang for our buck if we are going to concentrate on those, and that these other states have also done that because it is such a good bang for their buck. Have there been other states that have done something else? If so, what have they done with the 35 percent?

**Assemblyman Watts:**

That is something NDOT will have to get some additional information on with the recent passage of these laws. Carbon Reduction Program funding is already coming to the state. The Department is engaged in a plan to figure out how to distribute those; 65 percent of those funds have to be allocated on a kind of population-based formula. That has traditionally been done by moving those funds to the relevant metropolitan planning organization, which here are the RTCs. This does not envision touching that. As far as what states are doing with the other 35 percent, those plans are not required to be sent to the federal government for a while. Frankly, there is still a lot of information that we do not have. I think there is envisioned a process of evaluating different options to see what the impact is. I do not know if alternative fuels have been contemplated under this or under what was referenced, the existing federal air quality, which is focused on those criteria, those health-impacting air pollutants. This is very similar but focused on carbon reduction. I do not know if there has been an analysis to your point, of the bang for the buck of this compared with other potential uses of the funds. I personally believe that is quite significant and that studying it would bear out that this is a strong use of the funds.

**Chair Cohen:**

You touched on this, but I want to go back and double-check on section 17 when we are talking about the business being domiciled in the state. We are talking about the legal definition of domicile to the business tax actually has to be incorporated in the state. We are only helping the Nevada businesses.

**Assemblyman Watts:**

Yes, we want folks to be here. We want the vehicles to be registered here. While we are making an investment with these federal funds, these are transactions that generate sales tax and registrations. We want those benefits to accrue here, and we want air pollution reduction to accrue here. That is what the purpose of those requirements is.

**Assemblyman Gurr:**

Is this entire program based on federal funds?

**Assemblyman Watts:**

That is correct.

**Assemblyman Gurr:**

Is that program designed forever, or do we end up picking it up at the state level if it expires?

**Assemblyman Watts:**

This program was authorized for five federal fiscal years. By the time we get this all set up, I think the plan is to harness funds for three of those fiscal years. It is our sincere hope that the federal government would continue the program in some shape or form after that. We could seek or choose to allocate some additional funding toward this program. Otherwise, it would essentially ramp down. We have seen, for example, NDEP has been using Diesel Emissions Reduction Act funds for quite some time. They were able to significantly step up and expand the scope of those when the Volkswagen settlement funds came in. Those have essentially come in and flowed out. There is a similar vision for this program. It would not leave the state on the hook to fund this at a certain level using state funds moving forward.

**Chair Cohen:**

We will now move on to support.

**Paul J. Enos, Chief Executive Officer, Nevada Trucking Association:**

We are here today to support Assembly Bill 184 which really is one piece of the puzzle. Most of my members are small businesses. An average trucking company is about six trucks, and we cannot afford to get this stuff wrong. In order for us to adopt these zero-emission vehicles, we do need these incentives because deploying those vehicles comes at a cost. They have a higher purchase price, \$500,000 for some of these electric or hydrogen vehicles, and that is with the tax bill here in Nevada of about 25 percent. You are looking at \$125,000 that goes to state and federal taxes on that vehicle. There is an unknown residual value of these trucks. There are operational challenges: because of the additional weight, they are less efficient than some of the conventional internal combustion engines that we

have. You may have to purchase more trucks to be able to move that same amount of freight that you move with an internal combustion engine.

That was a great question about the training. We have a diesel technician shortage right now that is probably worse than the truck driver shortage. That is a challenge. It is interesting because these trucks tend to be easier to maintain. They have fewer moving parts. It is not an engine. The motors are actually on the axles, so you may have to replace your tires a little more frequently. There was a question about made in America. Most trucks are made in America today in Texas, Oregon, or Florida. We do have these trucks actually being made here. We appreciate streamlining this process, putting some of those issues with NDEP where we can try to make sure that if somebody decides he wants to build the trucks in Canada or in Mexico, he can still take advantage of those incentives.

In terms of how do you audit and what is that mechanism. We have the ability through the International Registration Plan and through the International Fuel Tax Agreements which are collected by the Department of Motor Vehicles to see where these trucks are going. These are on either an annual or quarterly basis.

To your question, Chair, there are other states that do this and do this well. In California you can get anywhere from \$20,000 to \$410,000 for an electric vehicle. New Jersey and New York also have similar programs. There are other states where this kind of program is working.

**Sandra Koch, representing Nevada Clinicians for Climate and Health:**

I am here to substantiate the fact that we know the negative health impacts of small and microparticles. I think in this situation, it is important for us to emphasize the fact that we know these pollutants increase the rates of asthma in children, they exacerbate asthma, they increase ear visits to the doctor, and they increase the risk of heart attacks and preterm birth. Tragically, they also increase the risk of childhood leukemia, breast cancer, heart disease, cognitive impairment, dementia, impulse control, and poor academic performance. It is estimated that 100,000 people die from exposure to these pollutants each year. The people most affected by these are those who live and work being exposed to the smog. No one would choose to live in these areas, but some people do not get that choice. When you track pollutants over time, it is very clear that the highest levels are clustered around airports and freeways. We are being offered the opportunity to use federal funds to create an incentive program that will help us transition away from combustible fuel sources, and we are here to encourage you to vote yes on this bill.

**Michael Hillerby, representing Republic Services:**

We are pleased to be here today to support A.B. 184. Republic Services has made the first and by far largest commitment to fleet electrification in our industry with more than 17,000 trucks, which represents the nation's fifth-largest vocational fleet. Republic's commitment to fleet electrification will deliver meaningful environmental safety and economic benefits in the communities we serve. We are already operating electric collection trucks in two states, and we have plans for future deployments to include exploring options in southern Nevada.

Given the importance of our climate and sustainability goals, we support the efforts of A.B. 184.

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

In short, we sell the trucks that Mr. Enos' guys drive. Many of you heard me say this in one-on-one conversations: the largest impediment in getting individuals, in this case, small businesses and companies, into cleaner, more fuel-efficient vehicles is price, period. End of story. One of the things that Mr. Enos alluded to is, when you look in terms of the cost from a tax standpoint on the front of that vehicle, it is oftentimes cost prohibitive. This is, no doubt, a solution to that problem.

Assemblywoman Hansen, when you asked about an auto tech shortage, that is a real problem. In fact, I testified yesterday on Senate Bill 144, which is going to somewhat address this from vocational schools. Just in the United States, we need 76,000 technicians every year to keep up with retirements and new jobs in the industry. When you look in terms of what that means in Nevada, diesel tech vacancies are a lot higher. An average auto tech in Nevada makes \$71,000 a year. Diesel techs make over \$100,000 a year. There is no doubt that is going to generate jobs.

Assemblywoman Considine, I really appreciated your talking about cash on the hood. I want to thank Assemblyman Watts for meeting with us and talking about it. The only way the incentives are going to work is there has got to be cash on the hood, and it needs to be as simple as possible. I think we are going to true that up in the regulatory process.

Additionally, I want to thank Assemblyman Watts for addressing a concern of ours: for the person who receives the voucher, that individual or entity must follow the four corners of the law. We are concerned that if an individual falsifies the information and we are a party for submitting it, we would be on the hook. I encourage your support.

**Rose Wolterbeek, Member, Toiyabe Chapter, Sierra Club:**

I speak on behalf of over 30,000 Sierra Club members and supporters who live in the state of Nevada. We support A.B. 184 because of the state incentive for the purchase of the zero-emission vehicles. We support the legislation because we recognize that immediate and rapid reduction in fossil fuel consumption should be a priority for all of our collective efforts. The transportation sector, as we know, is a major contributor to poor air quality, and technology exists to eliminate the emissions. In particular trucks and buses, those emissions are high as we heard today from our subject matter experts. That is the time they spend idling and traveling in intermittent, stop-and-go traffic.

This legislation is particularly appealing because of the rebate process that is coming from the federal government and grant sources. The actual cost to the state should be limited to administrative costs. Again, we need upgrades at a bargain cost to the state. We are in the process of improving the electrical charging infrastructure, and we have made great steps. With the amendment provided by Assemblyman Watts [[Exhibit D](#)], these benefits are going primarily to Nevada residents. We are going to see these changes, and it should not be an



excessive burden for the operators with the charging stations. It sounds like there is some discussion already with the support for the vehicle maintenance. It is time to take every step possible to mitigate, and we support that we are using all the pathways to do this without creating further degradation to our pristine lands. This is a good first step to eliminate fossil fuel. [Written testimony was also provided [Exhibit E](#).]

**Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber:**

As my industry colleagues were saying before, the largest cost barrier is moving over any of your fleet, even if it is to another combustible engine. Switching over to a new industry and an innovative technology comes with even more risks. I would like to thank the sponsor for bringing this bill forward because this is working to mitigate a lot of the risks that could come forward. We would also like to appreciate the sponsor for supporting this emerging technology. It will create jobs along with creating economic development in our region and our state, and we urge your support on this measure.

**Dylan Shaver, representing Washoe County School District:**

Washoe County School District is in support of [Assembly Bill 184](#). I want to echo what everyone else said, thanking the sponsor for bringing the measure. As an FYI to the Committee, Washoe County School District is currently operating a pilot program for electric school buses. We own two, which are stored at the Geiger Grade transportation facility. We have a request for proposal to put a charging station there. Ideally, that facility will hold 10 more buses; the main facility will hold about 30. What we need to do first is examine these for a little bit longer to ensure that we can do this program within the resources taxpayers give us. We also need to ensure we can do it on time within the current logistics operation, and most importantly, that we can do it and get everyone's kids safely to school. We appreciate a program like this because it allows us to continue this exploration to make sure it is the absolute right thing for these students and their families. With incentives like this, every penny we can spend from the government is a penny that we can keep in the classrooms, focusing on core issues. We hope you support this measure, and thank you for the opportunity today.

**Tom Clark, representing Reno + Sparks Chamber of Commerce:**

We appreciate the sponsor bringing forward this bill, and we very much support [A.B. 184](#).

**Patricia Haddad, Director, Government Relations, Clark County School District:**

We absolutely appreciate the bill sponsor for bringing this legislation forward. We think it is a great opportunity as it provides the district more opportunities to continue to explore how we might transition our buses and our vehicle fleets. We also appreciate the amendment [\[Exhibit D\]](#) around the increased opportunity to be able to activate those multipliers.

**Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League:**

We submitted a letter, so I will keep it nice and short [\[Exhibit F\]](#). We think this is a win-win for the state. It helps economic opportunities by lowering operational costs, and it promotes healthier communities by lowering air pollution. We would like to thank the bill sponsor for bringing it forward and we urge the Committee support.

**Chelsea Capurro, representing Urban Chamber of Commerce:**

We want to thank Assemblyman Watts for bringing forward this bill. We love that one of the goals is to provide support for small-business owners, and we are happy to be here in support.

**Katie Roe Ryan, Director, Public Policy, Dignity Health-St. Rose Dominican:**

I am here today in support of A.B. 184. At St. Rose Dominican, we believe contributing to a healthy environment and collective quality of life continues to be a key measure of our organization's success. Over 30 percent of Nevada's greenhouse gas emissions come from the transportation sector, and that number is expected to grow. Accelerating the adoption of electronic vehicles is critical to preventing the worst impacts of climate change and air pollution. Addressing the medium- and heavy-duty sector in particular is critical given its outsized role and harmful emissions that cause asthma, cardiovascular disease, and premature death. This program is an important step to increase access in consumer choices and transportation, spur innovation, and invest in the integration of clean energy resources that will have an enormous public health benefit, notably over \$5 billion by 2040. This is why we have joined with a letter as part of written testimony signed by more than 12 businesses in the state supporting A.B. 184 [\[Exhibit G\]](#).

**Chelsea Capurro, representing Opportunity 180:**

We represent Opportunity 180 as well. They are also in support.

**David Cherry, Manager, Government Affairs, City of Henderson:**

The City of Henderson maintains a large fleet of medium-duty vehicles to service our various departments, including sweepers, dump trucks, tractor trucks, and bucket trucks, among others. The city supports the goals of the program, including the use of incentives to encourage the purchase of these zero-emission vehicles to further reduce air pollution, including the particulates that contribute to health issues like asthma. We have a few questions about how compliance with the program will be monitored, but we are hopeful that once NDEP sets out the rules for the program, those will become clear.

**Chair Cohen:**

Is there anyone else wishing to testify in support in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone in support?

**Gabriela Olmedo, Associate, Advanced Energy United:**

We are a clean energy business working to make the energy we use clean, affordable, and reliable. We represent over 100 companies across the energy spectrum as well as large-scale renewables, transmission, solar storage, electric vehicle manufacturers, operators, fleets, and charging developers. I am speaking on behalf of our association to express business support for the Clean Trucks and Buses Incentive Program. This program would enable Nevada to take advantage of federal dollars to lower the upfront cost barrier for the adoption of medium- and heavy-duty electric vehicles by Nevada businesses and public entities. As we have heard, businesses want access to these vehicles which offer considerable operational, maintenance, and fuel savings over their lifetime. The purchasing of clean fleets will also

drive additional private investment into the electric vehicle charging industry, bringing more clean air into the state of Nevada. The Clean Trucks and Buses Incentive Program will make best use of the unprecedented federal funding moment before us by kickstarting Nevada's new and promising clean truck market and driving economic development and diversification into a growth industry. Nevada is incredibly well positioned to become an electric vehicle hub from its lithium resources to its positive economic climate for manufacturing, its focus on battery recycling, and the creation of a circular economy. This bill will demonstrate Nevada's commitment to that industry in a big way. We submitted a business letter, expressing support from a wide range of business voices [[Exhibit H](#)]. Thank you to the bill sponsor for bringing this bill forward, and we urge you to support this program and drive Nevada's businesses and fleets forward into a modern, high-performing, lower-cost clean energy future.

**Dave Robba, Manager, State Policy, Transportation, Ceres:**

Ceres is in support of [A.B. 184](#). Ceres is a national nonprofit that advances leadership among investors, companies, and capital market influencers to take action on the world's most pressing sustainability issues. Our policy network, Business for Innovative Climate and Energy Policy, or BICEP, includes more than 80 companies with dozens of leading consumer brands and Fortune 500, many of which have operations or business interests here in Nevada. For the companies we partner with, transportation is both a major cost center in business operations and a leading driver of carbon emissions and air pollution. A growing number of zero-emission, medium- and heavy-duty vehicles offer significant savings over their economic lifetimes through lower fuel and maintenance costs while also reducing risks posed by volatile fossil fuel prices and supply. Although transitioning to zero-emission vehicles offers long-term savings and public health benefits, commercial electrification still faces challenges including higher upfront vehicle costs. Incentive programs like the one set forth in [A.B. 184](#) will help drivers and fleets looking to transition to electric trucks and buses to unlock the savings and health benefits of zero-emission vehicles. This is why we joined written testimony signed by more than 12 businesses, some of which you have heard from today [[Exhibit H](#)]. In addition to stimulating the economy and creating local jobs, we see that these incentives are even more valuable now. We expect continuing progress towards cost parity for these vehicles, and this program could position the state to secure and leverage further federal dollars.

**Brian Robb, Director, Government Relations, Lion Electric:**

Lion Electric was founded 15 years ago. We are recognized as a leading original equipment manufacturer of all-electric, U.S.-made medium- and heavy-duty (MHD) vehicles and zero-emission school buses. We rise in support of [A.B. 184](#). This bill is critical to making it possible for local businesses, school districts, municipalities, and public transit agencies to take advantage of funding that would immediately lower the upfront costs of transitioning to MHD electric vehicles. Businesses and organizations would benefit tremendously. Operational and maintenance costs would decrease, and they would see fuel savings. Lion Electric's customers and partners say that the savings between electric vehicles and diesel-powered ones is very clear. About 80 percent in energy cost reduction and 60 percent in maintenance costs decrease when organizations transition to these all-electric MHD vehicles.

The Department of Energy projects that zero-emission MHD trucks will be cheaper than diesel-powered trucks by 2035. The findings of the report suggest that cost competitiveness of zero-emission MHD vehicles can be largely achieved by the 2035 date. Specifically, the report finds that the cost of zero-emission MHD vehicles will be the same, lower, or equal to that of diesel trucks. I would like to thank you for giving Lion Electric an opportunity to address these important and critical environmental concerns, and rise in support of [A.B. 184](#).

**Will Drier, Senior Policy Manager, Electrification Coalition:**

The Electrification Coalition (EC) is in support of [A.B. 184](#). The EC is a nonpartisan nonprofit organization that, alongside our sister organizations, partners with the Energy Security Leadership Council, which is made up of four-star admirals and generals and business leaders to promote the policies and actions needed to facilitate the widespread adoption of electric vehicles all in an effort to combat our nation's transportation dependence on oil and maintain U.S. leadership and competitiveness across the automotive supply chain for our economic security. Oil accounts for about 90 percent of the energy use in transportation in the United States. Every year the U.S. taxpayers spend roughly \$81 billion for the U.S. military to safeguard the global oil supply and trade. Furthermore, our reliance and exposure to global oil markets is a detriment to our national economic security: A market that is controlled and manipulated by a cartel of countries with the world's largest oil reserves that share neither our interests nor our values. We have long seen that electric vehicles (EVs) and the domestic EV industry has the most promising solution to break oil's monopoly over our transportation system. As the world shifts to EVs, China's dominance of the entire EV supply chain makes accelerating the adoption of EVs in the U.S. that much more urgent. As has been made clear, reducing the cost parity of EVs is one of the most effective and powerful policy levels to accelerate the adoption. Rapid adoption of electric vehicles will also be a boon for Nevada's economy, which stands to benefit from its EV industry leadership as increasing demands for EVs, batteries, and inputs across the entire supply chain will be beneficial for companies already within the state and those that may come. For these reasons, we are in support of [A.B. 184](#). [Written testimony was also provided [Exhibit I](#).]

**Melissa Ramos, Senior Manager, Clean Air Advocacy, American Lung Association:**

The American Lung Association advocates for policies that reduce air pollution and protect human health. [Assembly Bill 184](#) is critical to reduce greenhouse gas emissions and reduce the health risks associated with emissions from MHD vehicles like buses, delivery vans, and trucks. Currently, MHD vehicles make up about 6 percent of total on-road vehicles but generate the heaviest doses of pollution. [Assembly Bill 184](#) will reduce these unhealthy truck emissions and clean our air by accelerating the adoption of zero-emission MHD vehicles. The pollutants from diesel exhaust are dangerous to human health, and [A.B. 184](#) safeguards Nevadans from these health risks. The pollutants in diesel exhaust harm lung and heart health, causing heart attacks, strokes, increased asthma attacks, and premature death. These health risks are heightened even more for our most vulnerable populations, including low income, communities of color, children, and seniors. The American Lung Association's *Delivering Clean Air* report demonstrates cleaning up MHD vehicles and investing in noncombustion energy could yield up to \$5.2 billion in public health benefits in Nevada over

the coming decades. This legislation is critical to protect Nevadans from breathing in unhealthy polluted air, especially for those living near major truck traffic where pollution burdens are more concentrated. As there are a growing number of strong health coalitions, we urge you to vote in favor of A.B. 184 to create the Clean Trucks and Buses Incentive Program which will have a positive impact to our climate, air quality, and our health.

**Jaina Moan, External Affairs Director, The Nature Conservancy:**

The Nature Conservancy is here to testify in support of A.B. 184. The Nature Conservancy is committed to tackling climate change, which is one of the biggest threats to our mission to conserve the lands and waters in which all life depends. We support policies that will help Nevada reduce greenhouse gas emissions. We appreciate that this bill tackles the largest source of emissions in our state: transportation. We support incentives to help businesses and independent operators in the state invest in the climate-friendly option for their transportation needs. Additionally, there are abundant opportunities now to leverage federal funds for this purpose. Thank you for considering this bill and our support.

[Also provided but not discussed are [Exhibit J](#), [Exhibit K](#), and [Exhibit L](#).]

**Chair Cohen:**

Is there anyone wishing to provide testimony in opposition in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phones? Hearing no one, is there anyone in neutral in Carson City?

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

We represent 300 members in and around the commercial construction industries in northern Nevada. Associated General Contractors is neutral on A.B. 184. While we appreciate efforts to reduce carbon emissions and to take advantage of the federal funding, we cannot support any measure incentivizing the purchase of electric vehicles until action is taken to address sustainable highway funding. While the purchase of these vehicles will generate registration revenue and sales tax revenue, it will not generate fuel tax revenue. We cannot continue to build and maintain Nevada roadways on which all cars and trucks drive without addressing the growing shortfall of the State Highway Fund. We look forward to continuing our conversations with the sponsor to achieve his goals while finding an equitable and sustainable funding solution for our roadways.

**Jeffrey Kinder, P.E., Deputy Administrator, Air Programs, Sustainable Materials Management, Industrial Site Cleanup, and Corrective Actions, Division of Environmental Protection, State Department of Conservation and Natural Resources:**

As noted in the introduction, we do currently implement two mobile source programs in our air program, the first being Environmental Protection Agency's Diesel Emissions Reduction Act. We have been a very active participant in that program since 2008. We also administer the Volkswagen settlement on behalf of the State of Nevada; I believe that began in 2017-2018. To Assemblyman DeLong's question, we are looking at the impact on our



program to implement this program, both the regulatory development part as well as the ongoing implementation and compliance requirements. We do understand from the bill language that we can cover our administrative costs through the federal program, but we are currently researching the federal program to understand how that works and what would be available to us. Lastly, I will note we have taken a lot of notes tonight on a very good discussion on implementation questions. If asked to implement this program, we look forward to a very robust engagement with stakeholders to get regulations in place.

**Chair Cohen:**

Is there anyone else in neutral in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone in neutral on the phone? [There was no one.] I am getting a wave-off from the bill sponsor for closing remarks. With that, I will close the hearing on Assembly Bill 184. We will move on to Assembly Bill 84.

**Assembly Bill 84: Revises requirements for the issuance of certain annual permits for entering, camping and boating in state parks and recreational areas. (BDR 35-471)**

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

I am glad to present Assembly Bill 84 for your consideration today. This bill was recommended before I passed on the gavel for this Committee to Chair Cohen. It was actually based on some requests that came forward to us during the interim but did not make the timeline for our Joint Interim Standing Committee on Natural Resources process. I thought it was a great concept and wanted to put it forward for this body's consideration.

What the bill does is quite simple. It would provide access to enter and utilize state park facilities at no charge for members of Indigenous tribes located wholly or partly within the state of Nevada. I am going to keep the presentation brief so that you can hear from some of the supporters about why this is important to them, because that is what led me to bring it forward. Essentially, I just want to recognize that we are all gathered today on the ancestral homeland of Indigenous peoples, land that was never ceded by those peoples but was taken and occupied. The goal of this bill is to allow those people to access some of the truly special areas without there being barriers or burdens for them. In addition to a member of the Walker River Paiute Tribe, the Native Voters Alliance Nevada has expressed interest in this. Separately, I received communication from the Moapa Band of Paiutes, which I know many southern Nevadans are familiar with and the gateway to the Valley of Fire State Park. If you go out to Valley of Fire and go to Mouse's Tank, there are petroglyphs. That is the Moapa Band of Paiutes' ancestral homeland. To require them to pay to visit that site or camp or stay out there is not appropriate. That is why I brought forward the bill.

**Chair Cohen:**

When we spoke about turning over the Committee, and we spoke about this bill, that was my comment. I cannot imagine that the people, Mouse's descendants, cannot go into Mouse's Tank without having to pay. There are some exceptions. Will you tell us about the exceptions that are already in place for religious ceremonies?

**Assemblyman Watts:**

There are some practices in place to allow Indigenous people to enter and utilize parks for traditional practices such as medicine gathering, ceremonies, et cetera. I want to make sure that there is no barrier for members of these tribes to access those areas. One other thing that I want to make clear at the outset is that the Division of State Parks (NDSP) has done incredible work to increase accessibility to state parks and try to create greater equity in who is coming to the parks. They may come to speak to it. They are launching a fantastic program to allow people to check out park passes at libraries, a lot of great things that are expanding access to lower income communities and diverse communities. I want to commend that work. I just think that based on the sacrifices that members of these tribes have made that this is only appropriate.

**Chair Cohen:**

We have heard about the park pass checkout and it has been very successful. It has been very popular and talked about a lot on social media for the last few weeks, if not months. That has been very exciting to see.

**Assemblywoman La Rue Hatch:**

I think this is an essential bill and very long overdue. Along those lines, if we are talking about removing all barriers and ensuring there is no charge, in section 1, subsection 1, paragraph (d)(1), it talks about collecting an administrative fee. Can you just speak to what that is? If the administrative fee is \$100, then this is not free of charge or low-barrier. Do you know what the fees are, or is there a guarantee that it will be minimal?

**Assemblyman Watts:**

This bill actually provides that an administrative fee cannot be charged to these tribal members. Essentially, there have been discussions and policy to allow individuals, including veterans and disabled veterans, to access parks. As part of those conversations, the consideration was made to allow the state to recoup an administrative fee to cover a portion of the time to process those applications to look at the paperwork and issue a park pass. What is envisioned with this is that a tribal member would provide their tribal identification, it would be looked at by a park employee, and they would be given a park pass free of charge. That is why you see references to those administrative fees. I do not know how much they are. They are certainly less than what the cost of an annual park pass is. This proposal is to be 100 percent free of charge.

**Assemblyman DeLong:**

I have to admit my understanding of how the parks are operated is limited. My question may be a bit out of ignorance, but bear with me. You were talking about traditional cultural properties that exist on state parks and there is a provision for tribal members to access those. Do they have to pay to get in if they are accessing a traditional cultural property?

**Assemblyman Watts:**

My understanding is under current NDSP practice, no, they do not. There has to be some additional justification that they are visiting a specific cultural site, for example, an area with

petroglyphs, or an area where they practice a particular ceremony, or go to gather medicine. Given the history, my belief is that we should expand upon that and make sure that for any time or any reason that they want to visit these places, they are able to do so.

**Chair Cohen:**

Seeing no further questions, I will move to support in Carson City.

**Rose Wolterbeek, Member, Toiyabe Chapter, Sierra Club:**

On behalf of the Toiyabe Chapter, Sierra Club and our more than 30,000 members and supporters statewide, I am speaking in support of A.B. 84. With the successful passage of Assembly Bill 95 of the 81st Session which added a tribal representative to the Legislative Committee on Public Lands which our Toiyabe Chapter of the Sierra Club fully supported, it makes sense to allow any member of an Indian tribe a permit free of charge to enter, camp, and boat in all state parks and recreation areas. Nevada's Indigenous communities have been living on and stewarding our lands for generations. In order to support access, A.B. 84 would eliminate a fee barrier to ensure that integral discussions about the management, protection, and use of those lands could continue as all members would have access to the state parks and recreation areas in Nevada. Currently, Nevada residents who are 65 years of age or older, individuals who have incurred a permanent service-connected disability, and vets who are honorably discharged from the Armed Forces receive permits free of charge, as you may know. Your support of A.B. 84 would demonstrate a small but important step for tribal members to also fully access Nevada parks and recreation areas. I urge your support of this bill as proposed. [Written testimony was also provided [Exhibit M.](#)]

**Annette Magnus, Executive Director, Battle Born Progress:**

We are in unwavering support of A.B. 84. We thank Assemblyman Watts for championing this critical measure. Regardless of where you are or where you call home in Nevada, you are on native land. Assembly Bill 84 grants tribal nations that are located in our Silver State free annual passes to enter, camp, and boat in state parks; state parks that are located on native lands. This bill is a great first step in not only respecting tribal sovereignty but also honoring the stewards and caretakers of our beautiful state. Currently, our Indigenous siblings are able to enter national parks with their tribal identification, and we hope that the Silver State will take this necessary step to honor these individuals at state parks as well. Plainly, this is their land and they should not have to pay to access it. We urge the Committee to support A.B. 84. Thank you.

**Will Adler, representing Pyramid Lake Paiute Tribe:**

I do not want to belabor the points too long because it has been a long day, but I would like to ditto most of the comments we heard. I would also like to state that Nevada takes this opportunity to show how we value those in our state and how we identify those whom we hold in higher regard. Today veterans already have access to state parks free of charge for a lot of these same reasons; we hold them in high regard already and a lot of people know that. Native American tribes are the first people here and those whom I hold in the highest regard in my heart. I do appreciate Assemblyman Watts's bringing forward A.B. 84 because it will give access to those who I feel deserve it the most.



**Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League:**

Our state and national parks exist on traditional Indigenous lands, and these areas are an important reminder of the history of Native Americans in our country and in our state. It is only right that as the original stewards of this land, they are granted access to these special places. We urge the Committee's support.

**Clifford Banuelos, Tribal-State Liaison, Inter-Tribal Council of Nevada:**

I am a member of the Te-Moak Tribe of Western Shoshone Indians. The Inter-Tribal Council of Nevada (ITCN) is a consortium composed of 20 federally recognized tribes in Nevada. Our board is made up of tribal leaders from each of those tribal nations. We meet frequently and we have good participation from our leaders. Today I speak on behalf of ITCN and in no way am I speaking for any of our respective member tribes. This is only a testimony for ITCN. Inter-Tribal Council of Nevada supports A.B. 84 regarding specific language under the Legislative Counsel's Digest that states:

This bill requires the Division to issue free of charge an annual permit to enter, camp and boat in all state parks and recreational areas in this State to any member of an Indian tribe located in whole or in part in this State. This bill also provides that the Division is required to issue such an annual permit to a member of an Indian tribe without collecting an administrative fee.

We support the intent of the bill, to provide for usage of state parks and recreation to members of our tribes. It is the right thing to do given the history of how our people were forced off these rich lands, and that we consider these areas our homelands, areas of great power, home to medicines, and home to many of our cousins you call the animals. Thank you for your time.

**Jennifer Lanahan, representing Reno-Sparks Indian Colony; and Las Vegas Paiute Tribe:**

We want to thank the sponsor for bringing this bill forward and we are in full support.

**Stacey Montooth, Private Citizen, Carson City, Nevada:**

I am a citizen of the Walker River Paiute Nation. I am here today as a private citizen. I want to thank Assemblyman Watts for his continued leadership. He is such a great ally and advocate for Indian Country. I wanted to take my time today to remind or maybe share the traditional facts of our Indigenous relatives. Prior to contact in the early 1800s, the Washoes, the Shoshones, the Paiutes never stayed in one place. We were not homesteaders. We followed the food. We were not migrants, but we had specific travel patterns. It is not an exaggeration to say that even in 2023, the Numa, the Newe, the Wa She Shu, and the Mojave, we believe it is all Indigenous land. I appreciated the Chair's succinct remarks that this does make sense. We really appreciate it and look forward to your support for this bill.

**Chair Cohen:**

Is there anyone else in support in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone?

**Jaina Moan, External Affairs Director, The Nature Conservancy:**

I am here to testify in support of A.B. 84. The Nature Conservancy appreciates and enjoys our state parks and recreation areas. We also recognize that these lands are the traditional territories of the Numa, Newe, and Washoe people. We feel it is important for tribes to maintain their traditional ecological knowledge of these places. We support A.B. 84 because it improves access for tribal members to experience their cultural life ways. Thank you for considering this bill. Thank you for bringing it forward and thank you for hearing our support.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

I will just echo the sentiments of all the previous speakers and urge your support of this bill.

**Taylor Patterson, Executive Director, Native Voters Alliance Nevada:**

As previously mentioned, Indigenous people have been the traditional stewards of what is now known as Nevada since time immemorial. With settlers came our people being pushed into smaller and smaller spaces, often disconnected from our most sacred areas. Nearly all of our state parks are sacred to the 28 federally recognized tribes of Nevada. We need A.B. 84 to help tribal members access spaces many generations before them called home. After generations of being forcibly removed from our lands and traditions, we are finally beginning to repair the damage that has been done. Currently, as mentioned earlier, those with tribal identification can access national parks for free. The National Park Service has recognized the importance of allowing Indigenous people to access the spaces that are traditionally ours, and it is time for Nevada to do the same. I want to thank Assemblyman Watts for bringing this forward and all of my nonnative allies who have testified on this today.

**Warren Graham, Chairman, Duckwater Shoshone Tribe:**

The Duckwater Shoshone Tribe supports A.B. 84. The Duckwater Shoshone Tribe hopes this Committee will strongly consider approving this bill. The idea of Native American tribes paying to visit our homelands is beyond unbelievable. It needs to be reconciled. As society moves forward, many groups, organizations, universities, et cetera are starting to acknowledge the native people of these lands and the fact that we are the original caretakers and users of it. This bill would add to those continuing efforts to repair some of the wrongs done to the Native American people by removing the idea of paying to visit places where our ancestors lived and were removed when state parks were established. Nevada natives never ceded our lands. Through treaties, we allowed settlers to use our homelands to live, work, and commute. It is time for the state of Nevada to reciprocate the same ideology back to the Native American people. Thank you.

**Michael Willoughby, Private Citizen:**

I am speaking to you today from unceded Newe lands. In addition to echoing the sentiments of my enrolled tribal brothers and sisters today, I would like to remind you that this is not just a policy issue, it is a morality issue. We cannot erase the bloody history of our country, our state, or this land. We can take steps today to help rectify that and move forward positively. I encourage all of you to take this moment to act accordingly, act on your conscience, and do the right thing. I would like to thank Assemblyman Watts for bringing this forward.

**Teresa Melendez, representing Shoshone-Paiute Tribes of the Duck Valley Indian Reservation:**

I want to thank and acknowledge Assemblyman Watts for carrying this bill. This is one of those opportunities where the tribes have put in a request and I am grateful that this Assembly has recognized requests for access to state parks and for those fees to be waived.

**Brian Melendez, President and CEO, Tribal Minds, Incorporated:**

I am a Northern and Southern Paiute, Western Shoshone, and CEO of Tribal Minds, Incorporated. We are a Native-led nonprofit in Nevada. Growing up in the Reno-Sparks area and throughout the city, it has never been more imperative for the tribal populations and the Indigenous people here in the state of Nevada to have access to their traditional homelands in the areas where our people have historically gone to pray, gone to visit, sing, mourn, grieve, and to find healing and wellness for their life in their communities. These areas that we are hoping to gain access to are vital to the health, mental health, and wellness of the tribal communities. I am asking for the time and consideration on this measure and hope that the esteemed individuals in the building can understand what it means or could possibly mean for Indigenous people to be able to access their land. I believe that this is a good measure. I believe that it is something that puts things into a forward-moving process where people can get access. I hope that there will be enough support on this that we can get the access that we need for our communities. Thank you very much and I support this 100 percent.

**Chair Cohen:**

Hearing no more callers, I will go to opposition. Is there anyone wishing to provide testimony in opposition in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone? Hearing no one, I will move to neutral.

**Robert Mergell, Administrator, Division of State Parks, State Department of Conservation and Natural Resources:**

Before I start my testimony, I would like to address some of the questions that came up about administrative fees and annual fee costs. Administrative fees that are required are our senior permits and our disabled veteran permits. That administrative fee is \$30. A similar permit for anybody who does not qualify is \$250. Right now, we have only those two annual permits that we offer for free other than the administrative fee. The first is a senior permit, in which the person has to be 65 years of age or older and a Nevada resident, he would qualify for the \$30 annual permit. If the person is a veteran with a service-connected disability, he can also get that same permit for that same administrative fee of \$30. We do not have a free permit right now other than those two which have that administrative fee connected.

The Division of State Parks (NDSP) is neutral with concerns on Assembly Bill 84. For context and background, NDSP currently recognizes traditional practices and voluntarily grants free access to state parks and recreational areas to tribal members if the activity relates to traditional practices and not recreational activities. Typically, NDSP recognizes traditional practices that primarily revolve around collecting plants for traditional purposes such as willows for weaving or vegetation that may be used for homeopathic medicines.

Additionally, since some of the parks have petroglyph sites, NDSP has allowed tribal members free access to connect to their ancestral past at those locations.

Assembly Bill 84 is much more expansive, creating a new free annual permit, waiving entrance fees to Nevada's state parks and recreational access fees such as camping and boating for Nevada tribal members. This not only results in the loss of revenue, it burdens the agency with additional costs, but it also most concertedly sets a precedent whereby the state determines fees based on a person's race or ethnicity. Over the last year, the agency has been building partnerships and working with organizations such as Black Folks Camp Too, Latino Outdoors, Blacks in Nature, and Colors in Nature, with the goal of creating an inclusive and welcoming environment to all visitors at Nevada state parks.

The lands that have been designated as state parks, recreation areas, or historical sites were set aside for the benefit of all people. The Division's ability to successfully fulfill its mission is dependent on having advocates and supporters of all users who realize the importance of protecting these lands for all future generations. Everyone must be willing to contribute to help balance the expense involved in protecting these lands. Paying minimal use and recreation fees ensures that the financial burden is not solely borne by the state and allows all users of state parks to help protect what is important to them while minimizing the impact to the rest of the taxpayers.

In line with this understanding, this year the Division launched a pilot program to provide day use annual permits to every public library in the state to allow anyone who has a library card to go to their local library and check out a pass for free to get people out into their state parks. This program allows anyone to get free access to the state parks to remove the financial barrier that may be preventing them from otherwise doing so. Once people visit the park for free, it is our belief that they will then see the benefits and see that the park is already an exceptional value at just \$5 or \$10 per vehicle to enter for the day.

The Division of State Parks recognizes the positive intent of this bill and the opportunity it presents to partner and further strengthen our relationship with Nevada's tribal communities and to explore integrating Native-American heritage into state park, interpretive, and education programming. However, NDSP would be open to the concept of formalizing free access for the purposes of traditional practices and access to cultural resources. The Division maintains that all users should pay for recreational activities, though. Thank you for your time and happy to answer any questions.

**Chair Cohen:**

If a tribal member wants to take a walk or go boating—not look at petroglyphs, not collect anything to use for regalia; not do anything religious—they would have to pay under the system right now, is that correct?

**Bob Mergell:**

As it sits right now, that is correct. Hiking or boating would be considered recreational opportunities.

**Assemblyman DeLong:**

You said you recognize traditional cultural properties such as petroglyphs. There are many other traditional cultural properties that are landscape-based that only people with those traditions of using the land know. How do you recognize those? Do you recognize those?

**Bob Mergell:**

Currently, our local park supervisors are generally aware of that. If there are any culturally significant sites, and if a tribal member came to our park staff and said that this area is important for this ritual, or activity, or for whatever—Cave Rock is a good example, there are reasons to go there beyond just jumping in the lake. What it takes right now is some coordination with park staff so that we know that is what they are there for, and we absolutely would waive the fee for that. That is not something that is set in *Nevada Administrative Code*, it is not set in *Nevada Revised Statutes*; it is just something that we recognize as the right thing to do, so we do it. Hopefully that answers your question.

**Chair Cohen:**

I do not see any other questions. Is there anyone else in neutral Carson City, Las Vegas, or Elko? Seeing no one, do we have anyone on the phones? Hearing no one, would the sponsor like to make closing remarks?

**Assemblyman Watts:**

I want to thank you all again for your time today and your consideration of this measure. I really appreciate all the incredible work that NDSP has done. This body has taken action recently with tuition waivers, for example, in recognizing that land grant universities are on land granted that was taken, that Indigenous people were displaced from. Similarly, state parks are a fantastic resource. I want to make sure that those parks are resourced properly. That is something that is driving financial benefit for the state on land that Indigenous people were displaced from. That is why I brought the bill forward. One last thing is, even tribal membership is an imperfect measure. There is a lot of history and nuance to tribal membership and who is eligible for that. I do feel it is one of the easiest ways of ensuring that folks who have a tie to this land are able to come and visit these areas whenever they wish. We do have some tribes whose boundaries encompass multiple states. Sometimes they do not have the infrastructure in the Nevada portion of their land, so they live in an adjoining state. Those members would be able to come and enjoy because as was noted before, these people used to follow the seasons, follow the land, and follow the harvest. Even members who may have moved away, if they want to come and reconnect with their homeland, they would be able to do it under this bill. I just wanted to make that clear. Thank you all for your time and I respectfully ask for your support.

**Chair Cohen:**

I will close out the hearing on A.B. 84. We will go to public comment. [There was no public comment.] With that, we are adjourned [at 6:07 p.m.].

RESPECTFULLY SUBMITTED:

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Nancy Davis  
Committee Secretary

APPROVED BY:

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Assemblywoman Lesley E. Cohen, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a copy of a PowerPoint presentation titled "AB184: Nevada Clean Trucks And Buses Incentive Program, Leveraging federal funding for cleaner medium and heavy-duty vehicles in Nevada," presented by Assemblyman Howard Watts, Assembly District No. 15.

[Exhibit D](#) is a conceptual amendment to Assembly Bill 184, presented by Assemblyman Howard Watts, Assembly District No. 15.

[Exhibit E](#) is written testimony dated March 7, 2023, presented by Rose Wolterbeek, Member, Toiyabe Chapter, Sierra Club, in support of Assembly Bill 184.

[Exhibit F](#) is a letter dated March 7, 2023, submitted by Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League, in support of Assembly Bill 184.

[Exhibit G](#) is a letter dated March 7, 2023, submitted by Melissa Ramos, Senior Manager, Clean Air Advocacy, American Lung Association, et al., in support of Assembly Bill 184.

[Exhibit H](#) is a letter dated March 8, 2023, submitted by Gabriela Olmedo, Associate, Advanced Energy United, et al., in support of Assembly Bill 184.

[Exhibit I](#) is written testimony, dated March 7, 2023, submitted by Will Drier, Senior Policy Manager, Electrification Coalition, in support of Assembly Bill 184.

[Exhibit J](#) is a letter dated March 8, 2023, submitted by Angie Dykema, Nevada Representative, and Travis Madsen, Transportation Director, Southwest Energy Efficiency Project, in support of Assembly Bill 184.

[Exhibit K](#) is a letter dated March 7, 2023, submitted by Noah Long, Director, and Claire Lang-Ree, Fellow, Climate and Clean Energy, National Resources Defense Council, in support of Assembly Bill 184.

[Exhibit L](#) is a letter dated March 6, 2023, submitted by Jason Geddes, Manager, Energy and Sustainability, Washoe County School District, in support of Assembly Bill 184.

[Exhibit M](#) is written testimony, dated February 10, 2023, submitted by Rose Wolterbeek, Member, Toiyabe Chapter, Sierra Club, in support of Assembly Bill 84.