

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

**Eighty-Second Session
March 23, 2023**

The Committee on Growth and Infrastructure was called to order by Chair Howard Watts at 1:31 p.m. on Thursday, March 23, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Shea Backus, Assembly District No. 37

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Connie Barlow, Committee Manager
Dylan Small, Committee Secretary
Garrett Kingen, Committee Assistant

Minutes ID: 560



OTHERS PRESENT:

Todd Ingalsbee, President, Professional Fire Fighters of Nevada
Elyse Monroy-Marsala, Private Citizen, Reno, Nevada
Sean Sever, Deputy Administrator, Research and Project Management, Department of
Motor Vehicles

Chair Watts:

[Roll was called. Committee rules and protocol were explained.]

We have two bills on the agenda today. I will open the hearing for Assembly Bill 302 and welcome Assemblywoman Backus to present the bill.

**Assembly Bill 302: Revises provisions governing state-issued identification.
(BDR 43-984)**

Assemblywoman Shea Backus, Assembly District No. 37:

Today it is my pleasure to introduce Assembly Bill 302. Prior to walking the Committee through the bill, I want to explain why I brought this bill.

As part of my legal practice, I have provided pro bono services to children subject to abuse and neglect through the Children's Attorneys Project with the Legal Aid Center of Southern Nevada. We commonly refer to ourselves as CAP attorneys. This bill is being brought on behalf of one of my clients, Jole'ah. I represented Jole'ah from the time she was ten years old until aging out of the system, along with providing representation after she aged out. I am able to share her name because she is no longer a minor.

As part of aging out of the process, meaning the child has now turned 18 years old and is now an adult, the Clark County Department of Family Services makes sure the minor has identification prior to aging out, whether that is an identification (ID) card or a driver's license. When Jole'ah turned 18, it was immediately after COVID-19 closures. When the Department of Motor Vehicles (DMV) reopened, getting an appointment for an identification card took several months. Although Jole'ah's caseworker checked online daily for canceled appointments, it took a while for Jole'ah to get an ID from DMV. When she went to DMV to get an identification, she was denied an ID card and handed a letter. I want to read this letter to the Committee. Imagine being 18 years old and getting denied an identification card.

If you are not in compliance with registration requirements in Chapters 179A and 483 of NRS, you will not be issued or permitted to renew a Nevada driver's license, commercial driver's license, or identification card.

WHAT YOU NEED TO DO:

Contact the Criminal History Repository at (775) 684-6262 and ask to speak with a case investigator assigned to the Sex Offender Registry.

You will be instructed to report to the local law enforcement agency in the jurisdiction in which you reside to complete registration requirements. You may also be provided with information on how to complete the annual verification process.

After completing registration requirements, please allow 3 business days for registration information to be updated at the State Registry before re-applying for your driver's license, commercial driver's license or identification card. You will not be eligible to renew through alternate methods and must visit your local DMV Field Services office.

Nevada's Department of Motor Vehicles and Department of Public Safety

That day, I received frantic calls and text messages about her experience at DMV. I recall hearing Jole'ah saying, "Miss Shea, have I ever been convicted of a sex crime?" Having represented this child since she was ten years old, I knew she had not. I called the Department of Public Safety for Jole'ah to find out if she had to report as a sex offender, as I thought this was clearly an error. Hearing the confirmation that this was, in fact, true, that she had to report as a sex offender, I explained this could not be the case and shared my history representing this child as her CAP attorney. I asked them how her record could be cleared up. We were connected to another department and informed we just had to secure her fingerprints and remit the same to the Department.

It sounds kind of easy, but it was not. Jole'ah and I made an appointment to get her fingerprinted. When we showed up with the information to show her identity, a social security card and a birth certificate, we were informed she had to have an acceptable identification card, such as a Nevada ID. Her high school ID would not cut it. This is when the challenge started.

We asked Clark County Family Services for help to see if we could get her fingerprinted as she aged out of the system. They could not do so because she would need an acceptable identification card. We were in a vicious cycle, leaving her the option of temporarily reporting as a sex offender to get an ID to get fingerprints to get her record cleared up. This was not an acceptable option. At one point, I thought she had cleared the issue up when she went to Sierra Nevada Job Corps Center. However, I asked her a couple of weeks ago when she called me if she had ever gotten her identification card. She said, no. Jole'ah is now 20 years old without an acceptable identification card.

The nice part about bringing a bill like this is I have now discovered other ways to assist Jole'ah. This bill could also assist others who find themselves in the same situation. At this time, I will walk the Committee through A.B. 302.

Section 2, subsections 1 and 2 provide for the director of DMV to create a limited-purpose identification card and an application for such a card. Section 2 further creates the mechanism for DMV to accept or deny such applications for a limited-purpose identification card.

Section 3 provides who is entitled to a limited-purpose identification card. Specifically, the person must be ten years or older, does not already hold a valid driver's license or identification card, and has been deemed ineligible to secure a driver's license or identification card due to the provisions set forth under *Nevada Revised Statutes* (NRS) 483.283, 483.861, or 483.929. Those provisions essentially require a driver's license, identification card, or commercial driver's license, whether for issuance or renewal, for a sex offender to comply with Chapter 179D of the NRS. Basically, the sex offender is to report to the Department of Public Safety and be in compliance with NRS Chapter 179D.

Section 3, subsections 4 and 5 provide the form of the limited-purpose identification card and allow DMV to establish any needed regulations, including setting the fee for the limited-purpose identification card. Section 3, subsections 6 and 7 provide such limited-purpose identification cards expire in 30 days and must be surrendered upon the issuance of a driver's license or identification card.

Section 3, subsection 3 specifically provides the purpose of the limited-purpose identification card being that it must be used by a person solely to provide identification for the purpose of challenging the accuracy or sufficiency of information relating to records of criminal history pursuant to NRS 179A.150, and most important, for one to secure fingerprints.

Section 4 provides more details as to the form of the application and the process for applying for the limited-purpose identification card.

Section 5 provides that the applicants must also furnish proof of their age pursuant to NRS 483.860.

Section 6 provides a criminal penalty of misdemeanor for a person who alters a limited-purpose identification card, refuses to surrender it, lends the limited-purpose identification card to another person for their use, or willfully fails to surrender another person's limited-purpose identification card when it comes into their possession.

Section 7 provides when the bill would be effective, which is essentially upon passage, to prepare for the issuance of a limited-purpose identification card and such card being available January 1, 2024.

I ask this Committee to support Assembly Bill 302, and I am ready for any questions.

Chair Watts:

Are there any questions from the members?

Assemblywoman Kasama:

Thank you for bringing this fabulous bill forward. My only question is, does your client have her ID now?

Assemblywoman Backus:

No, she does not have her ID, but through this bill, I have been able to get a lot of help from a lot of people in the building, so hopefully we can get her an ID.

Assemblywoman Brown-May:

What an issue to identify. Thank you for your great work in the CAP program. I have one question. This limited-purpose identification card is only for a period of 30 days while individuals work through the other issues in order to get a valid ID. As you said, challenges and misinformation are stopping the issuance of a valid ID.

Assemblywoman Backus:

It is only 30 days. I keep thinking about the situation, and I am always open to an amendment to extend it. In this situation, I think of my client being in a privileged place where she has me. In 30 days, I would have her get her new ID and then turn around and get the fingerprints and send them off. I am open to an amendment. Other people have reached out with other good ideas for this situation. Right now, this limited-purpose identification card is clearly for the purpose of cleaning up an individual's records under NRS Chapter 179D.

Chair Watts:

I will follow up on your last comment. You said you ran into this issue and catch-22. How did you land on this concept as the solution? Could you help us understand how you arrived at creating this limited, temporary ID and how it was the mechanism to help break the vicious cycle?

Assemblywoman Backus:

I appreciate that question because this was all taking place in 2021 when the Legislature was about to go into a special session. I needed a resolution. Honestly, when I was talking to Jole'ah, it was always at the front of my mind that we needed to fix something. I weighed two different options. There is obviously a third, but the two options I weighed were, first, this limited identification for purposes of securing fingerprinting. The second was whether or not we implement a law that would permit someone to get fingerprinted with an affidavit

from someone like me or someone who knows the person. I understand the policy behind having an accepted photograph ID to get fingerprints because we would not want the abuse to happen if it should ever arise where someone is trying to be someone else. There are other remedies. I know this is not a money committee, but the fiscal note I anticipate will probably be pretty hefty to create a new identification card. I am agreeable to extending the deadline for implementation, but if that becomes a barrier, I would be open to consider revising it to make this situation possible.

Chair Watts:

I hope whatever solution we find will get this implemented as soon as possible. I do not know how many people fall into similar scenarios, but we definitely want to make sure they are able to get out of it in a timely manner. I do not think it is appropriate that anyone who might find themselves in this situation has to wait years for a piece of legislation to be enacted.

Assemblywoman Summers-Armstrong:

This is another example of your kindness to the folks in your community. In addition to extending the time someone would have, would you also consider the fee be waived for anyone coming out of foster care?

Assemblywoman Backus:

Obviously, I would love that. Jole'ah would never want to consider herself as homeless per se, but at times she was. I know we had passed a bill for homeless children to get a driver's license with a fee waiver. When the children age out, they do get a small stipend, but it is hardly anything. I think she gets \$900 a month. That is expected to cover her rent, all of her personal bills, and everything else. She is still trying to secure graduation from high school. There have been a lot of barriers put in place for this one client, but she is pursuing. It would be nice because if not, she is going to end up paying for the limited-purpose ID, her fingerprints, and then a regular identification card. All of this should have happened before she turned 18, but because of COVID-19, it slipped through the cracks.

Assemblywoman Summers-Armstrong:

Do you have any idea what the cost is for each of those steps? What are we looking at cost-wise for the limited ID as it stands now, the fingerprints as it stands now, and then the new ID once all this is cleared up?

Assemblywoman Backus:

I cannot remember. It was two years ago when I was taking her to get fingerprinted. I have not gotten an identification card in a while. Assembly Bill 302 provides for the Department of Motor Vehicles to issue regulations and to set the fee for the limited-purpose identification card. It would be up to the Department to set that fee.

Assemblywoman Dickman:

It is crazy the things that come up. It is hard to believe this girl went through all of this. I think it is important to make the 30 days longer. With bureaucracy, we know how long things can take. I would be supportive of an amendment to extend that.

Chair Watts:

Seeing no further questions from the Committee, we will move to testimony in support of A.B. 302.

Todd Ingalsbee, President, Professional Fire Fighters of Nevada:

I had no idea about this bill before Assemblywoman Backus presented it, but being a fire captain with the City of Las Vegas, we hear the horror stories when we are on calls about people not being able to get identification cards. I have never heard that particular story, but if we can be in support to fix that, it is a step in the right direction to help people.

Chair Watts:

Seeing no one else in Carson City or Las Vegas to testify in support, is there anyone waiting on the phone to testify? [There was no one.] We will move to testimony in opposition. Is there anyone here in Carson City or in Las Vegas? [There was no one.] Is there anyone on the phone wishing to provide opposition testimony? [There was no one.] Finally, we will move to neutral testimony. Is there anyone in Carson City or Las Vegas who would like to provide neutral testimony?

Elyse Monroy-Marsala, Private Citizen, Reno, Nevada:

I am here today in neutral to talk about some other barriers related to identification access. I recently became aware of this issue, so I wanted to bring it to your attention.

Nevada Revised Statutes 453.431 says that pharmacists may ask for an ID when filling a prescription for a controlled substance. It recently came to my attention that there are patients in Nevada who are trying to fill their prescriptions for medication-assisted treatment called buprenorphine who cannot fill those prescriptions because they do not have an ID. There are people who find themselves in situations where they are waiting outside a pharmacy for some stranger to be willing to show their ID to pick up their medication-assisted treatment.

Access to a government-issued ID is a medication access issue. I also want to bring up that it is possible for folks in Nevada who are on Medicaid to get on Medicaid without an ID. To get on Medicaid, you need a social security number and date of birth. We have a situation where people have a payor source for medications and treatment, but if they do not have an ID, they cannot access the medication the State is paying for them to access so they can have better health outcomes.

I just want to say being able to access an ID is a medication access issue. The bill sponsor was wonderful and let me corner her in the elevator today to talk about this. I wanted to make sure it was on the record today.

Sean Sever, Deputy Administrator, Research and Project Management, Department of Motor Vehicles:

We are neutral on A.B. 302. Unfortunately, we are working on a large fiscal note that has not yet been submitted. Vendor changes will be needed to create a new ID card format to include verbiage for a temporary limited-purpose ID card. A new transaction will need to be programmed into the DMV system for staff to process such transactions.

We appreciate the bill sponsor reaching out to us, and we are happy to work with her further on it. We did meet with the bill sponsor and included the Department of Public Safety. We think we will be able to help this particular person get an ID.

Chair Watts:

Thank you, Mr. Sever. I appreciate those efforts. I do want to take a moment to thank your agency for all the assistance you provide to constituents when they reach out to us with issues. I am very aware of the issues your agency faces, both with its outdated overall technology system and the challenge of implementing new things. However, I do think it is important we find some systematic ways to address concerns like this that come up because not everyone has access or knows to reach out to a legislator who can then reach out to you and the Department of Public Safety to get their issues resolved.

I believe we have a question from Assemblywoman Summers-Armstrong.

Assemblywoman Summers-Armstrong:

Mr. Sever, have you considered in-house if there is a solution you can offer? Is there some way for you to modify what you already have in place to fill this gap until your system is fixed so we are not just saying, We cannot? If we look at this issue, I know there are hundreds of children a year, if not thousands, who age out of foster care. We cannot just say it is not possible. Do you have a solution you might be able to share with us?

Sean Sever:

We are always willing to work with anyone who has a need, but unfortunately this bill generates a fiscal note. We are between IT [information technology] systems right now, so it is a difficult time at the DMV. This particular case was one person, and we are willing to help that person get an ID. I guess the best way to do it is to reach out to us to see if we can help others. Every DMV in the state is willing to help out every Nevada citizen with any issue they have.

Chair Watts:

I know you are in a tough position, Mr. Sever, with all the different things going on at your agency. I will put it on the record now that I would very much like to see you and the Department of Public Safety work with the bill sponsor and work with me to figure out some solution to this. I understand there are a lot of logistical elements to something like this, but the scenario that was described is something that is, frankly, unacceptable and we need to figure out a solution that allows people to get out of the situation without being fortunate enough to get connected with a legislator who can then try to help them navigate the system.

Are there any additional questions from the members? [There were none.] Seeing no one else wishing to provide neutral testimony in Carson City or Las Vegas, is there anyone waiting on the phone to provide neutral testimony? [There was no one.] Assemblywoman, would you like to make any closing comments?

Assemblywoman Backus:

Thank you for listening and reading the bill and asking very informative questions. I also want to thank the Department of Public Safety and the Department of Motor Vehicles because they have been working on ideas and trying to figure out how we can find the best solution for this situation so if it happens to someone else down the road, they would be protected.

Chair Watts:

It was great to have you back in this Committee. Please keep us updated as those conversations move forward so we can figure out how to support getting a systematic fix to this issue.

I will close the hearing on Assembly Bill 302. I will open the hearing for Assembly Bill 304.

**Assembly Bill 304: Revises provisions governing certain special license plates.
(BDR 43-699)**

Todd Ingalsbee, President, Professional Fire Fighters of Nevada:

I want to thank you for allowing me to present Assembly Bill 304. I want to thank the sponsor, Assemblywoman Natha Anderson, who is in another committee presenting a bill, for allowing us to do this. This bill seems very silly after listening to Assemblywoman Backus's bill.

We currently have a professional firefighters license plate. We provide scholarships from the funds from that license plate. We usually provide 15 to 20 scholarships per quarter for kids under the Public Education Foundation. When we initially brought this license plate, which was almost ten years ago, we required proof of membership in Professional Fire Fighters of Nevada upon getting the license plate and also included proof of membership with the renewal.

With that being said, it started causing a lot of problems as the Department of Motor Vehicles (DMV) got busier. We started losing people from maintaining their license plate because they did not want to go to the DMV and wait in line. We noticed we started losing our ability to provide scholarships to members in the Public Education Foundation because the money directly correlates. How many scholarships we can provide depends on the revenue we bring in.

With Assembly Bill 304, our goal is to eliminate the requirement to show proof of membership when the plates are renewed. We did that during the pandemic because of the long lines when everyone was looking at ways to decrease the number of people going to DMV in person. We thought this was a good avenue and starting place for us to accomplish what we wanted to and help our members as well as DMV.

We started working on this in 2019, and then there was a potential reprogramming taking place. I just found out yesterday the reprogramming is still in the works, and it might be 2025 until that reprogramming takes place, which would eliminate us from having to show our identification card to the DMV as proof of membership.

The only change is on page 3 of the bill in section 1, subsection 5, which eliminates the requirement for proof of membership. It allows applicants to use the kiosk or go online to renew their license plate.

I would be happy to answer any questions.

Chair Watts:

Short, sweet, and to the point. We appreciate it. Are there any questions from the members? [There were none.] I do have one question. You may have mentioned it and I see it in the language, but for both the professional and volunteer firefighter plates, those are available to any current or former firefighter. Is that correct?

Todd Ingalsbee:

That is correct. We also allow people from out of state if they show proof of membership. For example, there are a lot of members who live in California, so we provide them with a professional firefighter's card, which allows them to get a license plate as well.

Chair Watts:

It appears once they receive the license plate, they do not need to keep showing the proof of membership.

Todd Ingalsbee:

That would be the goal, yes.

Chair Watts:

Seeing no questions from the members, we will move to testimony in support of A.B. 304. [There was none.] Is there anyone on the phone wishing to provide testimony in support of A.B. 304? [There was no one.] We will move to testimony in opposition to A.B. 304. [There was none.] Is there anyone on the phone wishing to provide testimony in opposition to A.B. 304? [There was no one.] We will move to testimony in neutral on A.B. 304.

Sean Sever, Deputy Administrator, Research and Project Management, Department of Motor Vehicles:

We do like this bill because our goal is to keep people out of our offices. However, we will have a fiscal note on the bill. We would ask the sponsor to move the implementation date back, which was mentioned earlier. Of course we are happy to work with them and appreciate their reaching out to us.

Chair Watts:

Seeing no one else wishing to provide neutral testimony in Carson City or Las Vegas, is there anyone on the phone wishing to provide neutral testimony? [There was no one.] Are there any closing remarks, Mr. Ingalsbee? [There were none.] I will close the hearing on A.B. 304.

That brings us to the last item on our agenda for the day, which is public comment. Anyone wishing to provide public comment, we ask you to limit your comments to two minutes and please clearly state and spell your name. Is there anyone wishing to provide public comment, either in person or by phone? [There was no one.]

That concludes our business for the day. Our next meeting will be on March 28, 2023, at 1:30 p.m.

This meeting is adjourned [at 2:05 p.m.].

RESPECTFULLY SUBMITTED:

Dylan Small
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblyman Howard Watts, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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