

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

**Eighty-second Session
April 5, 2023**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:31 p.m. on Wednesday, April 5, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dallas Harris, Chair
Senator Pat Spearman, Vice Chair
Senator Julie Pazina
Senator Scott Hammond
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Senator Edgar Flores, Senatorial District No. 2
Senator Roberta Lange, Senatorial District No. 7
Senator Rochelle T. Nguyen, Senatorial District No. 3

STAFF MEMBERS PRESENT:

Kristin Rossiter, Policy Analyst
Jessica Dummer, Counsel
Paula Peters, Committee Secretary

OTHERS PRESENT:

Scott Leedom, Southwest Gas Corporation
Jordan Krahenbuhl, Plumbing, Heating, Cooling Contractors of Nevada
Tom Morley, Laborers' Union Local 872 and Local 169
Greg Esposito, Nevada State Pipe Trades

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Danny Thompson, International Union of Operating Engineers Local 3 and
Local 12; International Brotherhood of Electrical Workers Local 396 and
Local 1245; Southern Nevada Building Trades Unions

Nick Schneider, Vegas Chamber

Dan Morgan, Builders Association of Northern Nevada; Nevada Home Builders
Association

Amber Stidham, Las Vegas Global Economic Alliance

Jake McNeill, Laborers' Union Local 169

Glen Leavitt, Nevada Contractors Association

Chase Whittemore, Nevada Builders Alliance

Kelly Trombley, Ceres

Nikolai Christenson, Sierra Club

Terry Graves, Nevada Trucking Association; Nevada Manufacturers Association

Jaina Moan, The Nature Conservancy

Jessica Ferrato, Advanced Energy United; Solar Energy Industries Association

Christi Cabrera-Georgeson, Nevada Conservation League

Jermareon Williams, Western Resource Advocates

Garrett Weir, General Counsel, Public Utilities Commission of Nevada

Scott Gilles, Natural Resources Defense Council

Angie Dykema, Southwest Energy Efficiency Project

Kelly Crompton, City of Las Vegas

Leonardo Benavides, City of North Las Vegas

Adrian Hunt, Las Vegas Metropolitan Police Department

Ashley Garza Kennedy, Clark County

David Cherry, City of Henderson

Mary Walker, Douglas County; Lyon County; Storey County; Eureka County

Mathew Giltner, Nevada Offroad Association

Maurice White, Nevada Commission on Off-Highway Vehicles

Nikhil Narkhede, Program Manager, Nevada Off-Highway Vehicles Program,
State Department of Conservation and Natural Resources

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

Ronnie Young, International Brotherhood of Electrical Workers Local 357

Ernie Adler, International Brotherhood of Electrical Workers Local 1245

Ryan Bellows, NV Energy

Wendi Newman, Southern Nevada Chapter of the National Electrical Contractors
Association

Sarah Collins, National Electrical Contractors Association, Greater Sacramento
Chapter

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Fran Almaraz, Teamsters Union
Richard Perkins, NextEra Energy Resources
Jeremy Newman, International Brotherhood of Electrical Workers Local
Union 396
Alfonso Lopez, Sheet Metal, Air, Rail and Transportation Workers Local 88
Jacob Haas, International Brotherhood of Electric Workers Local 401
Russell Rowe, Tesla
Kyle Davis, Interwest Energy Alliance
Sarah Steinberg, Advanced Energy United
Tony Simmons

CHAIR HARRIS:

We will open the work session on three bills that have no amendments:
Senate Bill (S.B.) 110, S.B. 182 and S.B. 250.

SENATE BILL 110: Revises provisions governing the operation of vehicles on
certain highways in the State of Nevada. (BDR 43-593)

SENATE BILL 182: Revises provisions governing motor vehicles. (BDR 43-674)

SENATE BILL 250: Revises provisions relating to catalytic converters. (BDR 43-
31)

The respective bill descriptions are in work session documents ([Exhibit C](#),
[Exhibit D](#) and [Exhibit E](#)).

SENATOR SPEARMAN MOVED TO DO PASS S.B. 110, S.B. 182 and
S.B. 250.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARRIS:

Our policy analyst will introduce the other work session documents for the
remaining bills that do have amendments.

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KRISTIN ROSSITER (Policy Analyst):
The next item in the work session is S.B. 11.

SENATE BILL 11: Requires the Department of Public Safety to adopt regulations authorizing a public agency to use unmanned aerial vehicles for certain purposes. (BDR 44-370)

I will read from the work session document ([Exhibit F](#)). The bill has two amendments.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 11.

SENATOR PAZINA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. ROSSITER:
The next item in the work session is S.B. 27.

SENATE BILL 27: Revises provisions relating to excavations in areas containing subsurface installations. (BDR 40-224)

I will read from the work session document ([Exhibit G](#)). The bill has one amendment.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 27.

SENATOR PAZINA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. ROSSITER:
The next item in the work session is S.B. 205.

SENATE BILL 205: Revises provisions relating to the registration of off-highway vehicles. (BDR 43-546)

I will read from the work session document ([Exhibit H](#)). The bill has one amendment.

SENATOR HANSEN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 205.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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VICE CHAIR SPEARMAN:

We will open the hearing on S.B. 281.

SENATE BILL 281: Revises provisions governing natural gas utilities. (BDR 58-693)

SENATOR ROCHELLE T. NGUYEN (Senatorial District No. 3):

Transparency is important to the community. We all want a voice in our government and want to be involved in the process. I used S.B. 281 as a starting place to create a fair and open planning process with the Public Utilities Commission of Nevada (PUCN). This bill would require natural gas utilities in the State to undergo this planning process every three years; it would be similar to the integrated resource planning (IRP) process that electric utilities are already required to do. This bill would require natural gas utilities to file as a part of this plan.

The natural gas utilities would be specifically required to file: present and projected changes in the demand for natural gas; identification and approval of any significant utility projects and investments over the next three years; energy efficiency and load management programs; renewable energy initiatives; and low carbon fuel initiatives.

Senate Bill 281 would require the PUCN to convene a public hearing on the adequacy of the plan with all interested stakeholders; and members of the public would have the opportunity to participate in this process.

During the past Legislative Interim, the PUCN opened an investigatory docket that evaluated the future of natural gas in Nevada. As part of that process, many different stakeholders asked for natural gas utilities to be subject to the same type of planning process that electric utilities undertake.

This bill is intended to be responsive to those requests and establish a process and a forum for discussing natural gas infrastructure and future investments that does not exist today. That is why you will see diverse interest groups supporting this piece of legislation.

Senate Bill 281 increases transparency around natural gas infrastructure investments. This bill provides an appropriate venue for all stakeholders to participate and provide feedback to utility regulators on the need for future natural gas investments. That feedback ensures that those needs are met with the lowest reasonable cost to customers.

The bill creates a pathway for natural gas utilities to submit proposals to their customers and for policymakers to obtain climate and greenhouse gas reduction goals through energy efficiency and load management programs, renewable energy initiatives and low carbon fuel initiatives.

Yesterday, I would have said that I regretted this, but today I am very proud of the work that went into getting us where we are with this bill. That mix of emotions is probably represented in the diverse number of people that we brought together to have this important conversation.

We have representatives from the PUCN and Southwest Gas Corporation. It is important to have the people that would implement this bill's policies here to answer any questions about what that would involve, and what they do with other utilities in their planning process. It is a chance to look at the industry with the process in place that we are looking to add, as we do not normally have this process in place.

I have a proposed amendment ([Exhibit I](#)). I will walk you through S.B. 281, as amended.

Sections 1 through 10 of the bill are mostly definitions that set forth terms that will be used in the filing of the planning process. Definitions are used throughout this bill and any questions can be directed to the PUCN.

Definitions that are not included could be promulgated through the regulatory rulemaking process with the PUCN. The Commission can develop rules, definitions, and those terms that they think are appropriate and need to be considered for addition to this bill.

Section 10 has a definition of what qualifies as a significant operational or capital requirement that would be included in the natural gas PUCN filing. We settled on a threshold of \$10 million. There were suggestions for other amounts, but most were arbitrary. With the help of the Commission, we tied our \$10 million threshold amount to other regulatory numbers that were set at a similar amount.

The last thing that I wanted to do was to set the threshold too low. I did not want to create a situation similar to encumbered construction projects that have had to come back and submit a new plan.

Other significant projects that would be required to be filed would include, and could include, natural gas expansion projects, pipeline replacement projects, and the pursuit of any other type of renewable gas products, including hydrogen.

Section 11 of the bill outlines the process that the PUCN must go through to determine the adequacy of the plan, including conveying a public process that is open to all interested parties.

There is no public input process for transparency, no opportunity for the public to come in and talk about their support, objections or concerns about any of these projects. This bill would bring that into line and have a place for the public to participate.

Section 12 of the bill establishes a time frame by which the natural gas utility must set those applications. These are consistent and we have been working with the PUCN to determine what is appropriate, as far as what those timelines might look like.

Section 13 states that a public utility cannot file a general rate application six months before or after they file a plan as a part of this process. Consumer protection issues are guiding this process as well.

Section 14 outlines what components the plan must include; current and future demand forecasting significant projects, an assessment of opportunities for low carbon fuels, pipeline reliability storage, greenhouse gas emission reductions and other things consistent with where we are trying to go with this bill.

Section 15 is cleanup language in the existing statute. Section 16 requires the PUCN to adopt regulations necessary to carry out the provisions of the bill. Sections 17 and 18 would be deleted by the amendment as they are not needed. Section 19 makes this bill effective upon passage and approval.

I will call up the PUCN and Southwest Gas representatives. To clarify, consistent with the Executive Branch policy and other regulatory agencies, the PUCN is appearing in neutral. If they are called up in neutral, they will be available to answer questions.

SENATOR HANSEN:

Section 15 of the bill amends *Nevada Revised Statutes* (NRS) 704.992, which states that "the Commission shall adopt regulations" to do most of the things we have been talking about. Are we not doing them already? The PUCN meetings are already public. I do not understand what we are trying to expand.

SENATOR NGUYEN:

The PUCN meetings are public. The NRS requires electric utilities to file plans with the PUCN. The NRS does not include natural gas utilities.

SENATOR HANSEN:

That answers my question because I thought they were already doing this in a public format but that is not the case with natural gas.

SCOTT LEEDOM (Southwest Gas Corporation):

When we file general rate cases, that is another opportunity for the public, or other interested stakeholders, to come and comment on our proposed rate increases. Absent those types of processes, the process to file a plan with the PUCN and have them review our investments over the next three years does not

exist. This is an additional process that would create more transparency and opportunities for the public.

I do not want to belabor the point. You all know Southwest Gas supports this bill for the many reasons outlined by Senator Nguyen. Senate Bill 281 is a good bill and a fair process. We have done considerable work on this bill and would appreciate the Committee's consideration.

JORDAN KRAHENBUHL (Plumbing, Heating, Cooling Contractors of Nevada):
We are in favor of S.B. 281 as amended. This bill, as amended, creates a fair and open planning process for the benefit of all stakeholders regarding gas utility infrastructure planning and investments in Nevada.

TOM MORLEY (Laborers' Union Local 872 and Local 169):
We support this bill.

GREG ESPOSITO (Nevada State Pipe Trades):
We appreciate the Senator picking up the bill from former Senator Chris Brooks. We are in support of this great bill, which will create jobs.

DANNY THOMPSON (International Union of Operating Engineers Local 3 and Local 12):
We support this bill. The planning process will promote transparency and accountability and will be good for the economy and create jobs. We urge your support.

NICK SCHNEIDER (Vegas Chamber):
We support S.B. 281. I want to echo the points made earlier about increased transparency, as well as looking forward to an energy future with gas.

DAN MORGAN (Builders Association of Northern Nevada; Nevada Home Builders Association):
We are in support of S.B. 281, which would ensure that residents and homeowners of Nevada have access to safe, reliable, affordable and sustainable energy. This bill would make sure that those same Nevada residents and homeowners are not burdened with unnecessary investment in natural gas infrastructure.

AMBER STIDHAM (Las Vegas Global Economic Alliance):

The Las Vegas Global Economic Alliance is the regional economic development authority for the greater Vegas region. We are in support of this bill. Energy use strategy for Nevada should include the continued use of natural gas as a reliable, accessible and affordable energy. The strategy should also include other electrical and renewable energy sources that are critical to sustaining our economic growth and vitality.

All of these efforts are important to economic development. More importantly, this bill offers energy options like natural gas and the certainty of those options through the transparent processes that are being presented. These energy options work to support our community's growth, which are essential to its economic development.

JAKE MCNEILL (Laborers' Union Local 169):

I am here as a member of Laborers' Union Local 169 and representing that Union. We are in support of this bill.

GLEN LEAVITT (Nevada Contractors Association):

We are in support of this bill.

CHASE WHITTEMORE (Nevada Builders Alliance):

We are also in support of this bill.

KELLY TROMBLEY (Ceres):

Ceres runs the Business for Innovative Climate and Energy Policy network, known as BICEP, which is a coalition of over 80 major employers, large electricity customers, leading consumer brands and Fortune 500 companies.

Many Ceres members have operations in Nevada. Ceres members, like many leading businesses in Nevada and nationwide, have set goals to cut emissions, invest in clean energy and reduce energy use.

Gas investment and infrastructure planning helps the companies we represent ensure that their energy needs are met while meeting their sustainability goals. It helps utilities ensure that they make decisions to serve the complex needs of Nevada's growing technology and energy-intensive industries.

We respectfully comment today and support S.B. 281, specifically the concept of gas investment and infrastructure planning, given the imperative to take action to address Nevada's energy future, high and unpredictable gas costs and address emissions that threaten public health.

The strengthened commitment to planning will benefit Nevada's people and economy. We respectfully recommend that the bill consider the following: given these preferences and commitment of Nevada businesses for clean energy, long-term predictability and cost savings, we think the \$10 million cost threshold may be too high to capture investments when there may be cost-effective alternatives, potentially locking in substantial cost savings and emissions.

As Nevada stakes its economic future on its approach to energy, we look forward to working with you on policies that establish transparency, planning and reliability, both in access and cost.

NIKOLAI CHRISTENSON (Sierra Club):

I am a volunteer member of the Sierra Club's Nevada Legislative Committee. On behalf of the Club, our members and supporters Statewide, I am speaking in support of S.B. 281.

It is in the best interest of the people in Nevada for our utilities to publicly plan for our future through an IRP process. We are pleased to see that under this bill, Nevada's methane utilities would participate in this process.

These requirements appear to directly parallel provisions for electrical utilities, which are entirely appropriate. The one section where we cannot find a direct parallel in the language is in section 12, subsection 3 of the bill on the remuneration of costs associated with implementing such a plan. Perhaps there is a direct parallel to the language in the NRS and we missed it.

It is entirely appropriate for our utilities to be compensated for their actual costs, including those for generating an IRP. But we think this accounting should be examined and approved by the PUCN. If this is what the wording in section 12, subsection 3 intends, we agree with it. If not, the wording could be clarified.

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We agree that it is proper for methane utilities to undergo an IRP process as described in this document, and consequently we support this bill.

DANNY THOMPSON (International Brotherhood of Electrical Workers Local 396 and Local 1245):

I apologize that I failed to mention earlier that the International Brotherhood of Electrical Workers (IBEW) Local 396 and Local 1245 support the bill.

TERRY GRAVES (Nevada Trucking Association; Nevada Manufacturers Association):

To the extent that there are trucking companies that use compressed natural gas to fuel their vehicles, and to the extent that manufacturing operations use natural gas, not only for heating, as well as feedstock for chemical operations, this bill will lend stability to the regulatory process for natural gas.

JAINA MOAN (The Nature Conservancy):

We support S.B. 281. Climate change is the biggest threat to our mission, which is to conserve the lands and waters on which all life depends. As an organization, we are united in doing what we can to mitigate and adapt to climate change. We support policies that will help us ensure that global warming stays below 1.5 degrees Celsius. We support S.B. 281 because natural gas supply planning is an important component of achieving our climate goals.

We appreciate that S.B. 281 includes a definition for carbon capture and storage. For years, The Nature Conservancy has been working to understand how Nevada can achieve net zero emissions by 2050. We commissioned a carbon management modeling for Nevada with the Clean Energy Conversions Laboratory located on the University of Pennsylvania campus. The findings from that analysis revealed that technologies for removing carbon dioxide from point source, or by direct air capture, are necessary to achieve net zero emissions.

We have a few suggested provisions to the definition for carbon capture and storage in section 3. We have shared those with the bill sponsor, and we appreciate these ongoing conversations.

JESSICA FERRATO (Advanced Energy United):

Advanced Energy United is an industry association comprised of businesses dedicated to making the energy we use clean, affordable and reliable. We are in support of S.B. 281.

We think that long-term utility infrastructure and resource planning is key to creating the most affordable, reliable and sustainable energy system possible. That is why we supported electric utility IRP, distributed resource planning and transportation electrification planning in the past. But as we have built these processes for electric utilities over the past several decades, gas utilities have remained largely unaffected.

Today, the gas industry is entering a period of rapid change marked by new customer choices: federal, State, county and local policies; and technologies and resource options on both the supply and demand side. These changes will affect the kinds of infrastructure we build and who we are building it for.

Because the infrastructure has significant costs, and because ratepayers pay off those costs over decades, a sound and transparent planning process that compares investment options is the only way to ensure that the money that ratepayers spend is spent wisely.

The legislation before you is a product of months of conversation and compromise between Nevada's gas utilities and stakeholders representing all interests. The bill represents the beginning of a conversation about sound planning for Nevada's future. While we are open to continuing the discussion of ways to strengthen the concept, we think this bill could be an important improvement over the status quo for both NV Energy and Southwest Gas. We ask the Committee to support the bill.

CHRISTI CABRERA-GEORGESON (Nevada Conservation League):

We are in support of S.B. 281 and thank the bill sponsor for working with us and other stakeholders. We know this has been a lengthy process and we appreciate Senator Nguyen being open to feedback in conversations.

Establishing an IRP for gas utilities will help provide long-term planning and more transparency on future investments in the gas system and ensure the best interests of ratepayers are considered.

While we are supportive of the bill, additional changes could be made to strengthen the bill. The bill sponsor has committed to work with us and to continue working on this legislation and addressing environmental concerns. We look forward to having additional conversations.

JERMAREON WILLIAMS (Western Resource Advocates):

I am speaking today in neutral for S.B. 281 for the Western Resources Advocates (WRA). I want to thank Senator Nguyen for involving our organization in the discussions on this bill. The WRA is very supportive of her intent to establish a much needed gas IRP for Nevada's utility companies.

We are available to continue to work with Senator Nguyen to fine-tune the language. We still have concerns about a few aspects of the bill. The section of the bill defining terms needs additions to account for non-pipeline alternatives and we could discuss the consideration of alternatives in the process.

The bill in front of you is a step forward for Nevada and will help us responsibly plan our energy future. Nevada needs to reduce its reliance on natural gas and explore solutions that will help our State meet its emissions reduction goals.

GARRETT WEIR (General Counsel, Public Utilities Commission of Nevada):

I will begin by expressing our appreciation for the early outreach and engagement from Senator Nguyen and Southwest Gas's substantial work in incorporating our input regarding this bill.

This bill establishes a helpful planning process that would allow the PUCN to scrutinize significant utility expenditures before they are made, and before the utility requests recovery of the costs via rates charged to customers. The planning process provides a single forum for review of investments associated with existing programs, whereas we are currently reviewing those plans separately.

Senator Nguyen has already walked the Committee through the bill. I am available to answer any questions regarding the PUCN's implementation of this proposal.

SENATOR HANSEN:

We are not a financial committee, but how much will this bill increase costs for consumers, if at all.

MR. WEIR:

Ideally, the planning process will result in more cost-effective practices. We will scrutinize the cost effectiveness of utility planning on the front end and that should result in a reduction in costs borne by the ratepayers.

SENATOR HANSEN:

An even better answer, thank you.

SCOTT GILLES (National Resources Defense Council):

This is a difficult topic. Senator Nguyen has been willing to work with all parties and accept feedback prior to when this Session began. We appreciate that, and the ongoing work with involved stakeholders.

At this time, the National Resources Defense Council (NRDC) cannot support the bill with the conceptual amendment that Senator Nguyen spoke to in her presentation. She promised, and we have agreed, to continue to work together with other stakeholders. We want this bill to evolve to a position where the NRDC can support it without any concerns. The NRDC's suggestions for changes to the bill have remained consistent throughout this process.

We support the end goal of this bill. This bill is worth the effort and will improve the natural gas planning process. We are grateful that we are included in the conversation and think we can get to a place where we can support the bill.

Specifically, the NRDC wants to see the language in section 14, subsection 1 of the bill changed back to the original version that was introduced with the bill.

The NRDC does not support the definitions of "significant operational" or "capital requirements" in section 10 as it continues to tie these activities to the anticipated cost of more than \$10 million. This threshold is too high and will result in significant projects not being included in this resource planning process.

Many of the definitions that are included in the bill, as amended, should be removed and the PUCN, through their rulemaking process, could create these definitions and define the process they will be working through.

If the definitions stay, the NRDC wants to see additional pieces added to the bill including, but not limited to, a definition of beneficial electrification.

We will continue to work with Senator Nguyen.

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ANGIE DYKEMA (Southwest Energy Efficiency Project):

Subjecting gas utilities to the same, or similar, planning requirements as electric utilities is an important extension of utility regulation to provide greater transparency for gas system planning.

We have concerns with the amendment that we want to continue working on with the sponsor, including extending the planning horizon and changing the definitions. We welcome the opportunity to continue working on this bill.

VICE CHAIR SPEARMAN:

We will close the hearing on S.B. 281 and we will open the hearing on S.B. 338.

SENATE BILL 338: Revises provisions relating to off-highway vehicles. (BDR 43-678)

SENATOR EDGAR FLORES (Senatorial District No. 2):

Senate Bill 338 is the result of conversations I had with the off-highway vehicle (OHV) community. When a legislator sponsors a bill, we try to work with everybody. I make that point because in the interest of doing that, I have a proposed an amendment ([Exhibit J](#)) that gutted my entire bill.

I am a member of the OHV community. Typically, we proudly refer to ourselves as the off-roading community. Off-roading is how I get away from the noise and the city. Many in the OHV community enjoy driving to the top of a mountain, conquering rocky terrain and other challenging drives. Last October, over 600 members of the OHV community attended a meeting in Apex, Nevada. The OHV community is extremely interested that three issues be addressed.

The first issue is to make Nevada more welcoming to the OHV community. We could do this by creating a relationship whereby county roads and city streets could be utilized by OHVs to access off-roading trails.

The second issue is for clarity. The OHV drivers often do not know if they are complying while driving on country roads and city streets. Different jurisdictional boundaries create different dilemmas.

The third issue is also for clarity, in terms of how you register these vehicles, how you learn if you need a driver's license or not, and similar issues.

I sought out how to address the first two issues. The first issue was to work with the OHV community to identify a way to create a relationship with the State and allow access to country roads and city streets to access off-road trails.

The second issue was to create a transparent process so that the OHV community would know on which county roads and streets they are allowed to operate their OHVs.

Senate Bill 338 was crafted as our wish list. It was what we wanted to do and included removing local jurisdictions. We wanted to create our own boundaries. We wanted to make OHVs street legal.

That was ultimately the objective, but that was unfair because I had not had an opportunity to sit down with all the local jurisdictions. I did not sit down with the Nevada Department of Motor Vehicles (DMV) and the appropriate boards and commissions. I thought the bill was too aggressive an approach without giving other stakeholders a genuine opportunity to have meaningful conversations.

I met with the DMV, and we started a conversation in the right direction. That is the reason you are looking at my very short amendment and why we still think the bill addresses numerous issues.

After my DMV meeting, I learned that NRS 490.043 provides this definition for large all-terrain vehicles (ATV) which "means any all-terrain vehicle that includes seating capacity for at least two people abreast." This language ensures that two people are sitting alongside each other.

All-terrain vehicles have changed and there are side-by-sides that are two-seaters, as well as four-seaters. For this reason, my amendment removes subsections 1 and 2 from NRS 490.043, which removes the restriction that the ATV must seat at least four people.

I own an ATV and it is a side-by-side. Two popular brands of side-by-sides are Razors and Can-Ams. Side-by-sides can be two seaters or four seaters.

When I met with the DMV they suggested that instead of creating a new definition with my bill, it would be easier for ATV owners to register their ATVs.

I can go to the DMV and, if my insured ATV meets the definition in NRS 490.043, I can apply for a decal by completing a Large All-Terrain Vehicle Insurance Declaration form ([Exhibit K](#)). In essence, the decal says to law enforcement that this vehicle is insured. Local jurisdictions continue to set those boundaries of which streets and country roads OHV drivers can access.

Northern Nevada has a very different relationship with our OHV community than southern Nevada. In northern Nevada, some local jurisdictions allow you to operate and use your OHV everywhere. That sounds like a beautiful poem to me because that is contrary to what is happening in southern Nevada. Very often the southern Nevada OHV community gets questioned, harassed and ticketed because they are trying to drive from their home to an off-road trail.

There is ambiguity. Folks might be thinking, why does this matter? Why do we care? Why do we want them on our roads? Why do they want to be on a country road or city street?

For the sake of clarity and for those who do not participate in the off-roading community, anytime you head out with your ATV for a drive, this is what it typically involves.

I live eight minutes away from an off-roading trail. I load my side-by-side onto my flatbed trailer, which I hook up to my jeep or truck. It is a 30-minute process to get everything tied down and secured. I head out on the road, along with other vehicles, towing my side-by-side which is dangerous.

I drive eight minutes to my location, unload, drive my side-by-side off road for two to three hours and load it back onto my flatbed trailer. It is a 30- to 40-minute process to get everything tied down and secured. I drive eight minutes to return home.

It would be more efficient, safer and the ideal scenario if I could drive my side-by-side directly to the off-roading trail. It is less dangerous for me to drive my side-by-side on the road for eight minutes than it is for me to be driving on the road towing my trailer with my side-by-side for eight minutes. Towing anything on a trailer is more dangerous than driving a vehicle and more prone to accidents.

Another issue with towing your OHV is that you drop it off somewhere in the middle of nowhere. Then you head out off-roading while leaving your truck and trailer with all your personal belongings behind for a few hours.

Off-roading is an expensive hobby. For some folks, it is a lifestyle. Off-highway vehicle owners can invest up to \$80,000 on their vehicle. I mention cost only to make it abundantly clear that people are preying on the OHV community. They know that you have left your truck behind and headed off-roading for two to three hours. Upon return, there is a chance your truck will have been vandalized during your absence.

It happened to us one time. Eight vehicles were broken into, all the windows were smashed out and all the tools were stolen. We are trying to prevent this type of crime from happening by being allowed to drive our OHVs to off-road trails.

The OHV community is enthusiastic about off-roading which is why they have been asking for the changes in S.B. 338.

In the interest of working with everyone, we have replaced the entire bill with one short amendment and the local jurisdictions will maintain the authority to decide which public roads and city streets that OHV drivers will be allowed to use to access offroad trails.

We reached a consensus with the local jurisdictions, particularly in southern Nevada because no OHV community relationship exists yet. We have agreed to commit to identifying more public roads and city streets that the OHV community can access to reach these off-roading trails.

The local jurisdictions have committed to providing information on their websites so that OHV community members can log in and see which roads, streets and trails they are allowed to access. This will allow our members to comply with the local jurisdictions.

We will not need this overly burdensome bill if we collaborate and work together. If that does not happen, I will be back next Session with the same exact bill in front of you today. However, I will be able to say I did my due diligence in attempting to work with everybody. We will all give two years

of honest effort and, if what we expect does not happen, then we will go in a different direction.

KELLY CROMPTON (City of Las Vegas):

I want to thank Senator Flores for reaching out to us and working with us on this bill. We appreciate that local government will continue to have the authority to maintain safe roadways within our jurisdictions.

The City of Las Vegas already has the component on our website that the Senator is talking about. We show public recreation areas, trail identification and things of that nature. We are happy to add information identifying which areas OHVs are allowed to access.

The City is open to conversations among the local jurisdictions, stakeholders, the Senator and the Bureau of Land Management (BLM).

It is important that the jurisdiction is the BLM because the City is landlocked, and many of those open areas are BLM land. We need discussions with the BLM to ensure enough safe spaces for these vehicles.

LEONARDO BENAVIDES (City of North Las Vegas):

I echo the sentiments of my colleague from Las Vegas. We want to thank Senator Flores for working with the local jurisdictions on this and we commit to working with the community and stakeholders over the next two years to make sure that this is possible.

ADRIAN HUNT (Las Vegas Metropolitan Police Department):

We are in support of S.B. 338, which will strengthen traffic safety in Nevada. We appreciate Senator Flores bringing this bill forward for overall safety.

ASHLEY GARZA KENNEDY (Clark County):

Ditto what my local government colleagues have said. We thank Senator Flores for working with us and we are supportive of the bill as amended.

Clark County has an ordinance that allows vehicles to operate on certain roads as access points to travel to OHV areas. We are working through a rewrite of that section of our ordinance and looking forward to making sure that that information of where you can go with your OHV is readily available on our website.

DAVID CHERRY (City of Henderson):

Ditto what my colleagues said. Ms. Crompton was very eloquent in her description of how appreciative we are of Senator Flores working with us as local governments, allowing us to maintain the decision-making over our streets which the off-road communities are seeking to utilize.

We are committed to engaging in those stakeholder meetings that Senator Flores has requested. We love providing recreational opportunities for the residents of our community and for those who visit Henderson. We can make this bill work for everybody involved.

MARY WALKER (Douglas County; Lyon County; Storey County; Eureka County):

We support this bill, as amended, and thank Senator Flores for working with local government.

MATHEW GILTNER (Nevada Offroad Association):

The Nevada Offroad Association is Nevada's Statewide nonprofit 501(c)(3). We are specifically chartered to bridge the gap between all stakeholders and motorized off-road recreation.

There have been numerous stakeholder conversations where people spoke in support of the bill. We need to be part of that conversation. We represent over 50,000 registered OHV owners in the State. The OHV community adds more than \$120 million a year to the State just in their economic inputs.

I love the amendment that gives the local community the opportunity to retain authority. We want to be supportive of the bill as written. The problem is that the bill as amended, removes subsections 1 and 2 from NRS 490.043, which specify total seating capacity for at least four people or a truck bed. This change does not do a lot. I encourage the bill sponsor to use the same standards that everybody else in America is using.

There is a standard definition for OHVs that breaks it down by side by side. The specifics, a utility task vehicle (UTV) is defined as an OHV having "non-straddle seating." That is the key phrase.

An ATV quad, for example, has straddle seating and that eliminates the language of two abreast, three abreast, four abreast, or whatever the case may be.

A recreational off-road vehicle (ROV) has non-straddle seating. The difference between the UTV and the ROV is the speed. A UTV has a top speed of 30 mph. An ROV has a top speed of 30 mph plus. So by striking that section of the NRS, Barbie's Mattel Jeep would qualify as a UTV.

Why not use the same definitions that everybody else is using? Industry and other states use them. I propose that we could be supportive and work with the bill sponsor to submit a new bill next Session. The bill should include definitions for: a UTV, for that sub 30-mph, non-saddle seating; a ROV, as a 30-mph plus non-straddle seating; and the ATV, which would be the quad with the straddle seating version.

MAURICE WHITE (Nevada Commission on Off-Highway Vehicles):

I am the Chairman of the Nevada Commission on Off-Highway Vehicles. I speak to you today in that capacity and not in any other capacity I may represent at other times. The Commission appreciates the proposed amendment, which will preserve the intent of the legislation that created the Commission and its program.

As amended, this bill provides a definition that is far too broad and could be interpreted to include amusement park go carts and other vehicles not suited for road use.

The Commission encourages Senator Flores to engage the OHV program and the OHV Commission to craft a definition that will provide continuity with the NRS and the *Nevada Administrative Code* and ensure that only appropriate vehicles are operated on Nevada's roads.

NIKHIL NARKHEDE (Program Manager, Nevada Off-Highway Vehicles Program, State Department of Conservation and Natural Resources):

I am a management analyst and serve as the Program Manager of the Nevada Off-Highway Vehicles Program which is neutral regarding S.B. 338. With the recent amendment, we look forward to working with the bill sponsor on the language defining an ATV.

The bill, as amended, and as you have heard, encompasses a much wider category of vehicles than defined in the NRS. This picture of the red and white vehicle shows what a vehicle described as ATV looks like; the picture of the

yellow vehicle shows what an ATV looks like under the new definition in NRS 490.0825.

Nevada Revised Statutes 490.0825, updated in 2013, is the statute that allows large ATVs to operate on roadways. We need to look for a more succinct definition of a large ATV so that large ATVs can operate safely within traffic with full-size trucks and cars.

SEAN SEVER (Deputy Administrator, Division of Research and Project Management, Nevada Department of Motor Vehicles):

We are neutral on the bill. We appreciate the bill sponsor working with us on the bill and the amendment. He is using an existing DMV process that we already have in place. This will make it easier on the DMV as we are in the middle of our DMV Transformation Effort. We are happy to work with the bill sponsor further on this bill.

VICE CHAIR SPEARMAN:

We will close the hearing on [S.B. 338](#) and open the hearing on [S.B. 314](#).

[SENATE BILL 314](#): Revises provisions relating to energy storage systems.
(BDR 58-60)

SENATOR ROBERTA LANGE (Senatorial District No. 7):

Last Session, we had S.B. No. 328 of the 81st Session that related to energy storage systems. That bill passed both houses, but then we noted a mistake in the bill. I pulled the bill and introduced the corrected version this Session as [S.B. 314](#).

[Senate Bill 314](#) addresses two issues: Nevada's increasing energy storage capacity and ensuring that installation of energy storage systems are performed safely and correctly by qualified contractors. As you may recall, S.B. No. 204 of the 79th Session directed the PUCN do a cost-benefit analysis of targets and energy storage capacity to set biennial targets if the benefits exceed the costs. The analysis resulted in the Commission setting biennial targets of 100 megawatts in 2020, increasing to 1,000 megawatts in 2030.

Since 2018, when these targets were set, energy storage has been increasingly recognized as a critical component of efforts to reduce greenhouse gas

emissions and facilitate the Nation's migration to renewable energy. Other states have set goals as high as 3,000 megawatts by 2030.

Advances in technology have lowered costs and improved storage systems. It is time to review Nevada's energy storage targets. The other part of this bill focuses on qualifications needed for the installation of commercial and industry storage systems.

RONNIE YOUNG (International Brotherhood of Electrical Workers Local 357):
The IBEW Local 357's scope of work covers the vast scope of industrial commercial work. Anything from small retail to large-scale utility renewable energy projects.

I will discuss the training aspect of this bill. The Energy Storage and Microgrid Training and Certification (ESAMTAC) program was created after the emergence of the battery storage technology within the industry. This national certification was created to address the dangers that come with battery storage due to the sometimes volatile nature of battery malfunctions.

For those of you who do not know, lithium batteries can explode, producing extremely hot shrapnel, toxic fumes and terrible electrical fires that come from what we call a thermal runaway. That is when an electrical fire continues to burn for an extended period.

A good example of such a catastrophe would be an apartment neighborhood fire in New York earlier this year, which took 200 firefighters to extinguish. Those very same firefighters spoke in general about how difficult it is to fight lithium fires. The apartment fire was started by a lithium-powered scooter.

Creating a safety standard certification across the board ensures proper installation and maintenance, as systems like this are becoming more common. Renewable energy battery storage is one of those technologies that is being used to address gaps in renewable energy production.

When the sun is not shining and the solar array can no longer produce power, access to battery storage is needed. We have installed battery storage on utility site solar arrays in southern Nevada and are planning integration of these storage systems in more upcoming projects.

The IBEW Local 357 has recognized the importance of this industry standard and we have already started training, not only electricians that are working on the system, but the trainers for this specific certification.

We are seeing the demand start to kick up and that is why we are bringing this bill to light. The training is relatively inexpensive; it costs approximately \$30. It is an eight-day course taught twice a week for four weeks. In closing, this bill is about a national certification of installation and training with the system so that they are installed correctly to ensure the safety of the system.

SENATOR LANGE:

We have two amendments that have come to us on this bill. They are not prepared to come to the Committee yet, but I will discuss these amendments in a global way.

The ESAMTAC training is the No. 1 industry training available. That is why it is important for our State to have access to it. California and other states are using this training. But renewable energy is an emerging technology and may change so that ESAMTAC may not be the appropriate training. We will have an amendment that will state that under the Contractors' Board, the contractors would be able to choose a different training, or trainings, which meets the qualifications.

Last Session we had an omnibus energy bill with former Senator Chris Brooks. There was one word that was said a little differently than may have been helpful in the energy industry. We will submit a proposed amendment to change that one word. All the parties have agreed and I will ensure that the Committee receives that amendment.

SENATOR HANSEN:

There are courses that meet the requirements of the Contractors' Board. There are numerous non-union electrical contractors. Are these ESAMTAC courses available for everyone, union and non-union?

SENATOR LANGE:

Yes. This ESAMTAC training would be available for anyone that wants to take the courses. They have locations in Las Vegas and Reno but they will teach these courses anywhere a need exists. The training courses will be offered frequently so that people can get trained. We can offer a train-the-trainer course

to small businesses to make the training less cumbersome. In this course, someone can be trained and can then oversee what people in their company are doing.

SENATOR HANSEN:

Very good, perfect answer. I want to make sure that we have everyone in the trades covered.

VICE CHAIR SPEARMAN:

Lithium batteries can explode?

MR. YOUNG:

Yes. If they are not installed properly or properly maintained, they have the electrical potential for an explosion. A friend of mine who used to be the assistant training director for my apprenticeship had a small electronic cigarette that was powered by a lithium battery. The cigarette spontaneously combusted in his pants, which caused third-degree burns up and down his thigh.

These types of installations have numerous working parts and there is extreme heat. If they are not properly installed and maintained, they have the potential to explode.

VICE CHAIR SPEARMAN:

If the renewable energy options that we have are used correctly, are they safe?

MR. YOUNG:

Yes. If we use renewable energy, we need to install it correctly.

VICE CHAIR SPEARMAN:

I am talking about renewable energy across the spectrum.

MR. YOUNG:

Yes, across the spectrum. That is correct; they are safe as long as the batteries are installed correctly and maintained properly.

VICE CHAIR SPEARMAN:

By people who know what they are doing.

MR. YOUNG:
That is correct.

DANNY THOMPSON (Southern Nevada Building Trades Unions):
Maintaining and having these battery storage systems are critical to the renewable energy portfolio standard. Having people that know how to install and maintain them is critical to make the battery storage system work properly. We support this bill wholeheartedly.

ERNIE ADLER (International Brotherhood of Electrical Workers Local 1245):
This bill is of critical importance, especially the training portion of it. In New York City last year, there were over 200 fires caused by lithium batteries exploding and burning. Six people lost their lives; this is not a trivial matter.

The importance of having safety with these large battery systems is important. The way to ensure safety is to have trained people installing the batteries in these systems. We need to have storage for our solar energy systems. If it is important to keep the lights on at night, you will need electrical storage. We need to promote electrical storage to ensure we have a modern type of system.

RYAN BELLOWS (NV Energy):
We support S.B. 314. NV Energy has been a leader in energy storage for years. Our Gemini Solar Project in southern Nevada is one of the biggest storage projects in the Nation.

We know that as we continue to build more renewable resources, that energy storage will be a critical component to be being able to solve the needs of our customers during peak hours when those renewable assets are not performing.

We support the safe construction of those energy storage systems and the maintenance of those systems. We know that the IBEW is uniquely qualified to do that. We fully support the ESAMTAC training, which is the industry standard that is in this bill. We urge your support of S.B. 314.

SENATOR HANSEN:
Is this a new standard that NV Energy will adopt?

MR. BELLOWS:

This is a standard that we utilize on our contracts when folks are building storage for us. Their contracts require them to have this ESAMTAC training.

SENATOR HANSEN:

Okay, so the ESAMTAC trainings have been around a while; it is not something new that they just came up with. NV Energy has been using ESAMTAC for a long time. NV Energy is sort of expanding the training to make sure everyone installing lithium batteries, which may be dangerous, are properly trained.

MR. BELLOWS:

That is correct.

WENDI NEWMAN (Southern Nevada Chapter of the National Electrical Contractors Association):

The Southern Nevada Chapter of the National Electrical Contractors Association (NECA) supports the bill and urges the Committee to do the same.

SARAH COLLINS (National Electrical Contractors Association, Greater Sacramento Chapter):

The Greater Sacramento Chapter of the National Electrical Contractors Association covers counties in northern California and northern Nevada. It is the counterpart of the Southern Nevada Chapter of NECA. We support this bill and the comments that have already been stated on the record. Please support the bill.

FRAN ALMARAZ (Teamsters Union):

We are in full support of this bill and any training programs to ensure that batteries are safe. There have been fires due to these batteries and we want everyone to be safe. We urge your support of this bill.

RICHARD PERKINS (NextEra Energy Resources):

We support the bill. The previous speakers have covered all the topics.

JEREMY NEWMAN (International Brotherhood of Electrical Workers Local Union 396):

In answer to Senator Hansen's question, ESAMTAC was created in 2016 and led by Pennsylvania State University. We fully support the bill.

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ALFONSO LOPEZ (Sheet Metal, Air, Rail and Transportation Workers Local 88):
We fully support this bill.

JACOB HAAS (International Brotherhood of Electrical Workers Local 401):
The IBEW Local 401 has over 800 members and over 100 of them have completed the ESAMTAC training. We support this bill.

RUSSELL ROWE (Tesla):
Tesla is in opposition only because of your Committee rules. We have been working with the bill sponsor on a conceptual amendment and appreciate Senator Lange's time spent reviewing the amendment.

The conceptual amendment would authorize a State agency to provide an oversight function for the training programs. We did not name the agency as we were not sure which one, but the State Contractors' Board would be reasonable.

As Senator Lange said earlier, the agency would allow more than one program to be accepted. The program would have qualifying eligibility criteria to ensure that standards are in place for the programs. We think ESAMTAC would meet the requirements to qualify.

SENATOR HANSEN:

I do not know anything about this at all. Are there other training programs that have the same standards that we are looking at in this bill that Tesla is already using? What other options are there?

In my world, we have the Uniform Plumbing Code, Uniform Mechanical Code, and international codes. We tried to limit it to one code at one point, but that seemed impossible.

I do not object to the idea of having one standard that all the contractors have to meet. Are there other trainings out there that Tesla is recommending in addition to ESAMTAC?

MR. ROWE:

I am not aware of any existing national program that is out there yet. Tesla does significant training with its employees with respect to their products. There have been conversations around establishing standards together from an

industry perspective. I would appreciate the opportunity to do that and then ensure that the standards have a proper oversight body for approval.

SENATOR HANSEN:

I hate to mention it, but there have been Tesla automobile fires that I assume were linked to lithium batteries. Not a lot of fires in relation to the number of cars on the road, but union members might say that had Tesla trained their employees with this standard, they might not have had those automobile fires. Any validity to that?

MR. ROWE:

Any battery can catch fire and explode. Batteries contain energy and need to be installed properly. Most of the really large utility-scale battery storage products that Tesla manufactures are sold to utility purchasers and installed by IBEW members. We are very comfortable with the IBEW battery installations; they do the best job.

KYLE DAVIS (Interwest Energy Alliance):

Interwest Energy Alliance is a trade association made up of about 40 of the largest wind/solar storage, geothermal and transmission companies in the world. They do business in Nevada and five other western states.

I want to thank Senator Lange for meeting and discussing this bill with us. We think that as we work through the two amendments mentioned, that we will get to a place where we will be comfortable with the bill.

Our main concern is ensuring that we do not create a bottleneck situation where projects are not able to move forward due to a lack of available training. We also want to ensure that options are available for contractors to have their people trained to perform these installations. Our members develop projects and, in almost all cases, we hire local contractors.

You have heard presentations from many of our members that they are already using electricians with ESAMTAC training. We want to ensure that we implement a program that will allow enough flexibility to avoid a bottleneck. I am optimistic that continuing to work with Senator Lange, we will be able to reach language that works for everyone.

JESSICA FERRATO (Solar Energy Industries Association):

I echo all the comments of my colleagues. We are in full support of the proposed amendment that Tesla presented to Senator Lange today and are looking forward to working with her on coming to a resolution.

Our biggest concern is the availability of training and ensuring that it does not cause delays. Nevada is focused on the energy future, which will include numerous storage installations. We want to ensure that the workforce has access to these training programs and that we allow flexibility for different types of programs.

The amendment that the Senator is discussing with us could resolve those concerns and help us get everyone that needs training, trained in a timely manner.

SARAH STEINBERG (Advanced Energy United):

Advanced Energy United is an industry association comprised of businesses dedicated to making the energy we use clean, affordable and reliable, including those businesses involved in manufacturing, developing and installing electrochemical energy storage systems.

We oppose S.B. 314 as introduced, but as others have mentioned, we do support the amendment concept brought forward earlier today. The bill, as introduced, requires all installers of electrochemical energy storage systems in Nevada to complete ESAMTAC, a new private training program.

The program is not required for installers in any other state. The state of California has recently dedicated a budget to further developing the program in its related training centers. It is premature to impose an inflexible requirement for this specific training program on installers. We have concerns that waiting for training will create a bottleneck for the development of clean and reliable resources that are important to help Nevada service residents with affordable energy during extreme heat and severe conditions.

The State should refrain from outsourcing its workforce training to one private program, especially in that program's early days. We are working with Senator Lange on the amendment so the State can maintain flexibility and oversight related to any required training. The amendment would offer alternative pathways to certification as determined by a State agency that aligns

with nationally recognized best practices for safe energy storage installation. We very much appreciate her support of the amendment concept and look forward to working together.

TONY SIMMONS:

I will remind the Committee that section 21 of S.B. No. 300 of the 80th Session alluded to an open legal controversy that affects energy policy Statewide. Any decision we move forward must take into consideration that we have a serious unresolved legal controversy.

MR. YOUNG:

Senator Hansen asked about the degree of national recognition that this program has. The ESAMTAC is a standard certification program that started when the National Science Foundation approached Pennsylvania State University with a study grant for this program. When the University led the program, they partnered with the National Fire Protection Association, the National Electrical Installation Standards, the National Electric Code, the American National Standards Institute and the Electric Power Research Institute.

The ESAMTAC initiative is a nonprofit brand-neutral national training and certification program. The program meets the IBEW standards of training and safety that we try to instill in our workforce.

Concerns were voiced about bottlenecks due to lack of teachers. Nevada does not have a State standard yet, but we are hoping to change that. Thirty-four people have completed the train-the-trainers course through our ESAMTAC program. Our training centers are nonprofit and the class fees are at cost.

The College of Southern Nevada has an electrical apprenticeship program. With ESAMTAC training and our apprentices, we can address bottlenecks. I urge the Committee to support this bill.

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VICE CHAIR SPEARMAN:

Having no further business to come before the Senate Committee on Growth and Infrastructure, we are adjourned at 5:10 p.m.

RESPECTFULLY SUBMITTED:

Paula Peters,
Committee Secretary

APPROVED BY:

Senator Dallas Harris, Chair

DATE: _____

EXHIBIT SUMMARY

Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 110	C	3	Chair Dallas Harris	Work Session Document
S.B. 182	D	3	Chair Dallas Harris	Work Session Document
S.B. 250	E	3	Chair Dallas Harris	Work Session Document
S.B. 11	F	4	Kristin Rossiter	Work Session Document
S.B. 27	G	4	Kristin Rossiter	Work Session Document
S.B. 205	H	5	Kristin Rossiter	Work Session Document
S.B. 281	I	6	Senator Rochelle Nguyen	Proposed Amendment
S.B. 338	J	16	Senator Edgar Flores	Proposed Amendment
S.B. 338	K	18	Senator Edgar Flores	Large All-Terrain Vehicle Insurance Declaration