

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-third Session
April 12, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:40 p.m. on Tuesday, April 12, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4401, 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 at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joe Heck, Vice Chair
Senator Mark E. Amodei
Senator Michael Schneider
Senator Maggie Carlton
Senator Steven Horsford

COMMITTEE MEMBERS ABSENT:

Senator Maurice E. Washington (Excused)

GUEST LEGISLATORS PRESENT:

Senator Bob Beers, Clark County Senatorial District No. 6
Senator Warren B. Hardy, II, Clark County Senatorial District No. 12
Senator John J. Lee, Clark County Senatorial District No. 1
Senator Dina Titus, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
James Puffer, Committee Intern
Sherry L. Rodriguez, Committee Secretary
Lee-Ann Keever, Committee Secretary

OTHERS PRESENT:

Derek Morse, Regional Transportation Commission of Washoe County
Dan Musgrove, Clark County
Dan Hyde, Fleet and Transportation Services Manager, City of Las Vegas

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Chuck Ricker, Director, Northern Nevada Transit Coalition
Susan Martinovich, Deputy Director, Nevada Department of Transportation
John Madole, Associated General Contractors, Nevada Chapter
Bryan Gresh, American Transit Corporation/Vancom; Regional Transportation Commission of Southern Nevada
Jim Wolf, Vice President and General Manager, American Transit Corporation/Vancom
Zev Kaplan, Legal Counsel, Regional Transportation Commission of Southern Nevada
Curtis L. Myles, III, Deputy General Manager, Regional Transportation Commission of Southern Nevada
Matthew Sharp, Nevada Trial Lawyers Association
Stan Olsen, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association
Dr. Dale M. Carrison, Director, Nevada Commission on Homeland Security
Laura Mijanovich, American Civil Liberties Union of Nevada
Giles E. Vanderhoof, Major General, The Adjutant General of Nevada, Office of the Military
Andy Maline, Citizens Advisory Committee, Regional Transportation Commission of Southern Nevada
Jacob Snow, General Manager, Regional Transportation Commission of Southern Nevada
Barry Duncan, Southern Nevada Home Builders Association
Judy Stokay, Nevada Power Company; Sierra Pacific Power Company
Debra Jacobson, Southwest Gas Corporation
Margaret A. McMillan, Sprint
Kimberly McDonald, City of North Las Vegas; Nevada Commission on Homeland Security
Mark. S. Paresi, Chief of Police, Police Protection and Detention, City of North Las Vegas
O. C. White, Traffic Manager, City of Las Vegas
Dawn Blinder
George Togliatti, Director, Department of Public Safety
Frank Adams, Nevada Sheriffs' and Chiefs' Association
Maggie Saunders, Coordinator, Alternative Mode Program, Transportation Research Center, University of Nevada, Las Vegas
David Hayward, Court Administrator, Municipal Court, City of Henderson
Ronald Titus, Court Administrator and Director of the Administrative Office of the Courts, Office of Court Administration, Nevada Supreme Court

Virginia (Ginny) Lewis, Director, Department of Motor Vehicles
Steven D. Hill, Silver State Materials Corporation; Southern Nevada Concrete
and Aggregates Association
William Bainter, Lieutenant, Nevada Highway Patrol, Department of Public
Safety
Gary E. Milliken, Yellow-Checker-Star Cab Company
Denny Weddle, Desert Cab; Nellis Cab

Chair Nolan opened the hearing on Senate Bill (S.B.) 327.

[SENATE BILL 327](#): Transfers authority to provide for benches and shelters for public mass transportation from local governments to regional transportation commission in certain larger counties. (BDR 32-1167)

Senator John J. Lee, Clark County Senatorial District No. 1, said he supported S.B. 327 and read from prepared text ([Exhibit C](#)) which detailed his support for the bill. The Senator reported that during the previous summer, he had seen an elderly lady waiting for a bus in Las Vegas. The bus stop did not have a shelter and it upset the Senator to see the woman standing in the hot sun with the temperature at approximately 115 degrees.

Senator Lee said Clark County's transportation system was great but the delivery system did not work. Senator Lee called the appropriate city council member after he witnessed the woman waiting for a bus in the hot sun. He told that city council member that he wanted to put a shelter at the bus stop where he had witnessed the woman waiting for her bus. He thought it made sense to provide such a shelter for both his and the city council member's constituents.

The city council member told Senator Lee that a shelter could not be installed. It had been explained to the Senator that the advertising paid for the bus-stop shelters and if there was not sufficient revenue generated from a specific location, then a shelter would not be installed. When Senator Lee was told a shelter would not be installed because the location was not a good advertising risk, he decided to request S.B. 327.

Senator Lee said he was concerned as there were going to be 3 million people living in southern Nevada and not all of them used private transportation. The delivery system for public transportation in Clark County had to be improved.

Senator Lee noted the bill's opponents might feel the provisions of the bill would be difficult to implement. He said the majority of the bus stops in Clark County were located on constituent-owned or public land which meant it would not be difficult to install bus shelters on the land. Other bus stops might be located on or near private property. In those instances, the permission of the property owner would be required to install a bus-stop shelter.

Senator Lee addressed the problem of bus schedules and the inconvenience of waiting for a bus in the sun during the summer. He said such a scenario created major problems for the users of Clark County's mass-transit system.

Senator Lee said the municipalities in Clark County might tell the Committee that the installation of bus-stop shelters would affect revenue. He stated that the municipalities had done nothing to enhance revenue. The municipalities earned monies through the franchise fee. The Senator reiterated that the delivery system for public transportation in Clark County needed improvement. Senator Lee said when a municipality in Clark County could not perform its job, it hired a lobbyist. The Committee might hear opposition to S.B. 327 from lobbyists who would tell the Committee that the selling of advertising on shelters was an acceptable means by which to generate revenue. Senator Lee stated that practice was wrong. He added the majority of people who rode public transportation in Clark County did so out of necessity, not choice.

Senator Lee stated the bill put the Regional Transportation Commission of Southern Nevada (RTCSN) in a difficult spot. The RTCSN did not want to appear to be taking revenue from the municipalities in Clark County. The Senator wanted the RTCSN to enforce the provisions of S.B. 327 due to the makeup of its staff and advisory committees.

Senator Lee said he did not want to raise the bus rates or lose routes. Currently, there were 44 active bus routes in Clark County. Out of those active routes, 31 percent of the routes were timed at 60-minute frequencies which meant that a bus stopped every 60 minutes; 9 percent of the routes were timed at 45-minute frequencies; and 31 percent were timed at 30-minute frequencies.

Senator Lee said the RTCSN should enforce the provisions of S.B. 327 and would enforce the provisions better than Clark County.

Senator Carlton said she understood what Senator Lee was trying to accomplish with the bill and agreed with his intent. She referred to section 1, subsection 2, paragraph (b) which read, "Grant an exclusive franchise to any person to provide those services." The Senator said she was concerned by that provision and wanted to know whether Senator Lee intended to privatize the mass-transit system in Clark County.

Senator Lee said if the municipalities were selling advertising space on the bus-stop shelters, then the bill allowed the RTCSN to sell advertising space on its shelters if the revenue generated through the sale of such advertising was used for the construction of additional shelters.

Senator Carlton said the language in the provision concerned her. She did not want the RTCSN to have the ability to contract with cottage industries. The reason for this being, the RTCSN might lose control over what actually appeared in the body of the advertisements.

Senator Carlton said she was not sure how far an exclusive franchise would extend. She added that she would like the municipalities to answer the question when their representatives presented testimony on S.B. 327.

Vice Chair Heck asked Senator Lee which entity would be responsible for installing the shelters at the bus stops. Senator Lee said the municipalities in Clark County were responsible for installing shelters for those bus stops within their jurisdiction. He added the North Las Vegas City Council had an agreement with Viacom to provide shelters for the bus stops in North Las Vegas. The installation of the shelters in North Las Vegas had been outsourced through a franchise agreement.

Vice Chair Heck asked whether the municipalities or the contractors who had been granted the franchise agreement made the final determination as to whether or not a shelter would be installed at a bus stop. The final determination was based on the estimated revenue generated from the sale of advertising space on the shelter. Senator Lee said a shelter had to generate sufficient revenue to pay for the installation of the shelter.

Responding to a question by Chair Nolan, Derek Morse, Regional Transportation Commission of Washoe County, said he chose not to testify on S.B. 327.

Dan Musgrove, Clark County, said he felt the matter could be easily solved and only involved all the concerned jurisdictions working together to ensure the bus stops all had covered shelters. Mr. Musgrove said it was Clark County's policy to review all bus stops and the shelters and to work with the private vendor which had been granted the franchise agreement by Clark County. The partnership between the vendor and Clark County was private-public in nature. He said he was not sure whether revenue generation was the most important factor taken into consideration when Clark County discussed the installation of shelters at bus stops. Mr. Musgrove stated the most important factor was protecting the riders of the mass-transit system in Clark County.

Mr. Musgrove told the Committee that the rights-of-way were owned by the governmental entities, not the RTCSN. Mr. Musgrove said he would be concerned by the rights-of-way issues if the RTCSN were to implement and enforce the provisions of the bill. He added as the RTCSN would be liable for whatever occurred in the rights-of-way, it should have control over any structures which might be placed in a right-of-way. Mr. Musgrove said the issue was safety and liability. The RTCSN was responsible for roads and set regional standards. The RTCSN disbursed the fair-share funding-formula money established via Question 10 on the 1990 General Election ballot, while the local governmental entities were responsible for the road construction and maintenance.

Mr. Musgrove added that it could be problematic for each governmental entity in Clark County if the RTCSN were made responsible for the installation of shelters at the bus stops located in the different jurisdictions. Revenues which were derived from advertising on the shelters would go to the RTCSN even though it rightfully belonged to the municipality which owned the shelters. In Clark County, that amounted to approximately \$600,000 per year. Clark County was concerned that it would be held responsible for the shelters.

Mr. Musgrove said it was a win-win situation when Clark County contracted with Viacom to take over the responsibility of providing shelters at bus stops within the county's jurisdiction. Mr. Musgrove added that Clark County had agreements in place with private vendors to install and maintain its bus shelters. He added similar agreements might be in place with the other governmental entities in Clark County. Mr. Musgrove did not know what effect S.B. 327 would have on those agreements if the bill were to be enacted.

Mr. Musgrove stated that Clark County and the RTCSN worked well together. Clark County agencies attempted to work well with the other governmental agencies in Clark County. Mr. Musgrove said Clark County wanted all issues similar in nature to that of providing shelters at bus stops handled by the appropriate governmental entities.

Mr. Musgrove said he was sorry that Senator Lee had not received the response he wanted from the City of North Las Vegas. On Clark County's behalf, he pledged the county would work with any individual or entity to ensure there were shelters at the bus stops in Clark County where the county had access to public right-of-way. At those bus stops where the county did not have access to public rights-of-way, it might be possible to locate the shelter a few feet down in either direction.

Vice Chair Heck asked whether Clark County intended to provide shelters at all the bus stops within the county's jurisdiction. He asked how the county decided to provide a bus stop with a shelter. Mr. Musgrove said both Clark County and the City of Las Vegas decided in similar fashions and suggested the Committee take the testimony of Dan Hyde, Fleet and Transportation Services Manager, City of Las Vegas. The Vice Chair said he would defer his questions until Mr. Hyde presented his testimony.

Senator Carlton noted when the contracts between Clark County and the private vendors were renegotiated it would be a good time to address some of the issues. Mr. Musgrove replied, "Absolutely."

Dan Hyde, Fleet and Transportation Services Manager, City of Las Vegas, said he opposed S.B. 327. Mr. Hyde said Mr. Musgrove's testimony was accurate. He addressed a couple of issues raised by Senator Lee. Mr. Hyde said he previously discussed those issues with Senator Lee. The biggest issue in the placement of shelters at bus stops had to do with a lack of communication between the involved parties.

Mr. Hyde said he told the Senator about the new, improved protocols which the City of Las Vegas wanted to implement and which the other governmental entities in Clark County supported. Mr. Hyde said the new, improved protocols would alleviate the Senator's concerns about shelters being installed at bus stops. Mr. Hyde said two private vendors, Viacom and Outdoor Promotions, contracted with the local governmental entities in Clark County to provide the

shelters at the bus stops. While the two companies wanted to be profitable, revenue was not a determining factor when deciding where a shelter should be installed. These companies realized that not every one of the 900-plus bus-stop shelters would generate revenue. In order for a company to make money, a shelter had to be placed in an area with high visibility, such as the Las Vegas Strip.

Mr. Hyde stated that no municipality in Clark County wanted to see people sitting at a bus stop in the hot sun. That concept had been relayed to the vendor responsible for the bus stops in Las Vegas. The vendor told city officials it would have immediately installed a shelter if it had known a bus-stop shelter was needed. Both Viacom and Outdoor Promotions were good franchise partners for all of the governmental entities in Clark County.

Mr. Hyde asked the Vice Chair to rephrase the questions originally asked of Mr. Musgrove with respect to the determining factors for the installation of shelters at bus stops in Las Vegas and whether or not all the bus stops would be provided with a shelter. Mr. Hyde said there were four criteria which precluded a shelter from being installed at a bus stop. The governmental entities and vendors had no control over three of those criteria. The criteria were: the Citizens Area Transit (CAT) ridership determined when a bus stop would not be placed at a specific location due to a lack of ridership; the bus stop could be located on private property and required an easement conveyed by the property owner to the appropriate governmental entity; construction-related issues such as sidewalk width or serious safety issues. The governmental entities had no control over the last three items.

Mr. Hyde presented a historic overview on the selection process for a bus-stop shelter. A citizen called the appropriate governmental entity to request a new bus-stop shelter; in turn, a designated employee of the entity would contact the vendor who provided the bus-stop shelters and inform the vendor of the request who would review the bus stop to determine whether any of the four criteria mentioned by Mr. Hyde were in effect. If none of those criteria were present, the governmental entity would be informed that it was feasible to install a bus-stop shelter at the requested location and be given an installation schedule.

Mr. Hyde routinely received requests for the installation of shelters at bus stops from the Las Vegas City Council, the Las Vegas City Manager, the Mayor's

office or directly from the RTCSN. Mr. Hyde reported there had been very few instances when a vendor refused to install a shelter at a bus stop.

Mr. Hyde proposed direct lines with points of contact be established between the governmental entities and vendors. When a governmental entity representative failed to respond to a citizen concern within 48 hours of the concern being lodged, the citizen would be referred to the operations manager of either Viacom or Outdoor Promotions.

Vice Chair Heck asked how many of the bus stops in Clark County which did not meet the four criteria listed by Mr. Hyde were without shelters and why those bus stops were without shelter. Mr. Hyde said there were 777 bus stops and shelters in Las Vegas; out of those, 462 bus stops were equipped only with benches while 315 bus stops had shelters. Different criteria would be used when determining whether a bus stop would be equipped with a bench or a shelter. There were occasions when a bus stop was better suited for a bench instead of a shelter due to the stop's location. Mr. Hyde said the vendors were always concerned about what could be done to facilitate the installation of the shelter when a bus stop lent itself to a shelter.

Other issues which might prevent the installation of a shelter included the proximity of structures to the proposed shelter. Mr. Hyde said when presented with the scenario described by Senator Lee where an elderly woman had to wait for her bus in the sun, he would want a shelter installed immediately. The problem with the scenario described by the Senator was that Mr. Hyde did not know of the problem.

Vice Chair Heck asked how many bus stops in total were in Las Vegas. Mr. Hyde told the Vice Chair that there were 902 bus stops in Las Vegas. He added that not every bus stop was equipped with a shelter. The Vice Chair asked how many of the 902 bus stops had either a bench or a shelter. Mr. Hyde said he did not have that information but would be glad to obtain it for Vice Chair Heck. The Vice Chair said he would appreciate Mr. Hyde providing him with that information.

The Vice Chair said a bus stop, not excluded by the criteria listed by Mr. Hyde, should have a shelter. He said he thought the lack of shelters was the crux of Senator Lee's concern. Mr. Hyde said he agreed that if it was at all possible to

install a shelter at a bus stop, then one should be installed. Mr. Hyde added he thought S.B. 327 went further than installing shelters at bus stops.

Chair Nolan said there appeared to be one uniform shelter in use at the bus stops in Clark County. Mr. Hyde said the same shelter was used consistently by the governmental entities in Clark County. He said he served on the Citizens' Advisory Committee (CAC) of the RTCSN. The CAC had been shown some newly designed shelters which were visually more pleasing and which might be installed at certain key spots throughout Clark County.

Chair Nolan said he thought cost was a key factor in determining whether or not a shelter would be installed at a bus stop. However, he had not heard testimony indicating cost was a deciding factor. The Chair asked if cost were a factor, whether there were temporary shelters available that could be put in place until such time as a permanent shelter could be erected. Mr. Hyde said he had not discussed temporary shelters with any of the vendors under contract to the City of Las Vegas. He added the vendors were responsive when a request for a shelter at a bus stop was received. The vendors would visit the site where the shelter had been requested and a shelter would be erected if the vendor agreed it was needed.

Mr. Hyde mentioned that the vendors were in business to make a profit but profit was not the controlling factor in determining where bus-stop shelters would be erected. The vendors also wanted to be responsive to the needs of the community. Mr. Hyde stated it had been his experience that the vendors were responsive.

Senator Carlton asked whether the vendors who provided advertising on the bus-stop shelters were also the same companies that provided advertising on the sides of the buses. Mr. Hyde said he did not believe the vendors provided advertising on both the bus-stop shelters and the buses. Senator Carlton said she had been working to have public service announcements (PSA) on the sides of the buses. She stated that she thought if a vendor was not able to sell advertising space on the side of a shelter, perhaps, the space could be donated to display a PSA for a nonprofit organization. Such an arrangement would be beneficial to both sides; the vendor would receive a tax write-off and the nonprofit organization would receive its PSAs. Mr. Hyde said he knew when advertising revenue was down for the vendors, they donated space on the bus-stop shelters for PSAs.

Senator Lee said he and Mr. Hyde met to discuss the bill. At the meeting, he asked Mr. Hyde to submit any amendments to S.B. 327. To date, the Senator had not seen an amendment from Mr. Hyde. The Senator said it appeared there was a lack of concern from the City of Las Vegas and other Clark County municipalities regarding the bill. Senator Lee left a message with one of the advertising companies. He had not heard directly from the company, but had heard from its lobbyist.

Senator Lee told the Committee the company's New York City attorney telephoned him to discuss the bill. The Senator said he was looking for local control and did not want an out-of-state attorney telling him how to write legislation for the people of Nevada.

Senator Lee stated he believed the monopoly of mass-transit was a good idea. He said transportation was the issue in southern Nevada. Senator Lee added it was wrong for the municipalities in Clark County not to provide bus-stop shelters and a quality job for transportation needs. He added it was wrong for the Legislature to permit an unacceptable level of service be provided to its constituents.

Chair Nolan closed the hearing on S.B. 327 and opened the hearing on S.B. 379.

SENATE BILL 379: Authorizes local authority to place official traffic-control device on certain highways without prior approval of Department of Transportation under certain circumstances. (BDR 43-917)

Mr. Musgrove thanked the Chair for sponsoring the bill which dealt with the installation of traffic signals at the intersections of county road and state highways. Mr. Musgrove said the legislation process sometimes promoted collaboration and such was the case with S.B. 379. As a result of the bill, the Nevada Department of Transportation (NDOT) and Clark County had been able to discuss the matter and arrive at a solution. New policies had been implemented. As Clark County now had a comfort level working with the State on the issue, it no longer felt that S.B. 379 was needed. Mr. Musgrove requested the Committee withdraw the bill.

SENATOR CARLTON MOVED TO INDEFINITELY POSTPONE S.B. 379.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HECK AND WASHINGTON WERE ABSENT FOR THE VOTE.)

Chair Nolan closed the hearing on S.B. 379 and opened the hearing on S.B. 469.

SENATE BILL 469: Authorizes use of interest earned on money in State Highway Fund to match federal money for rural transit operations in certain counties. (BDR 35-1047)

Senator Dina Titus, Clark County Senatorial District No. 7, said she was speaking on the bill as a member of the Legislative Commission's interim study concerning the feasibility of long-range mass transit within state and to urban areas of neighboring states. The Senator referred to the study's report (Exhibit D, original is on file at the Research Library) and outlined the areas of transportation studied.

Senator Titus reiterated Senator Lee's testimony concerning transportation being a key issue for the State. She said the interim committee heard testimony regarding the needs of existing rural transportation programs and the lack of available funding for those programs. Operators of rural transit systems provided many examples of the positive effect coordinated transportation made in rural communities; without such rural transportation, the quality of life rapidly decreased for many residents who could not get to jobs, or doctors or to deliver products from farm to market. Transportation was essential to rural Nevada's economic development.

The Senator added S.B. 469 authorized the use of interest earned on money in the State Highway Fund to match federal dollars for rural-transit operations in counties with populations of 100,000 or less. Currently, the NDOT could expend money from interest earned from the State Highway Fund. If the bill were approved by the Legislature, the NDOT would be able to use that money

to conduct studies and match federal dollars for capital acquisition in rural Nevada.

Chuck Ricker, Director, Northern Nevada Transit Coalition, read from prepared text ([Exhibit E](#)).

Susan Martinovich, Deputy Director, Nevada Department of Transportation, stated the NDOT opposed the bill. She added the NDOT appreciated the rural-transit issues and was working on national solutions to address the match needs. However, the NDOT's budget did not support the funding allocation contained in S.B. 469. The NDOT had numerous projects for which funding had already been allocated.

Chair Nolan said the bill, as written, was permissive. He asked Ms. Martinovich whether the NDOT would expend funds if the bill were to be enacted. He also asked if the bill would change the funding formula for the interest earned on the State Highway Fund. The Chair said by earmarking the interest, it established an amount and wanted to know whether that impacted the amount of money currently designated for the transportation needs of the rural counties.

Ms. Martinovich said she did not understand the Senator's questions. She explained the NDOT received a certain allocation of federal funds which was designated for various transit operations. Those operations included purchasing equipment, operations and maintenance. In order to receive the federal funds, the local governmental entities were required to match the federal funds. Currently, the match was 50 percent. Ms. Martinovich said she understood the bill required the NDOT, not the local governmental entities, to provide the match. If the bill passed, the NDOT would have to take money earmarked for other projects and channel it towards the match portion of the federal funding.

John Madole, Associated General Contractors, Nevada Chapter, provided a handout entitled Bond Payments from the Highway Fund ([Exhibit F](#)) which detailed the interest the State was paying on the bonds for projects currently under construction by the NDOT. Mr. Madole stated he knew the rural-transit systems needed funding but there was a problem with the interest on the State Highway Fund. Based on that problem, Mr. Madole could not support S.B. 469.

Chair Nolan asked Mr. Madole whether he participated in the interim study. Mr. Madole replied that his organization monitored the study and worked with

former Senator Joseph Neal, Jr., during the interim. Senator Neal was aware of Mr. Madole's opposition to the bill.

Chair Nolan closed the hearing on S.B. 469 and opened the hearing on S.B. 475.

SENATE BILL 475: Limits liability of certain private operators who contract with regional transportation commission. (BDR 32-1081)

Chair Nolan said he thought he had been asked to sponsor the bill due to his understanding of the public-transportation system in Clark County. For the record, Senator Nolan said:

I worked with the American Transit Corporation (ATC) who is still the primary contractor for the mass-transit system and the fixed-route systems in Clark County. I worked as the ATC risk manager for approximately eight years. As a disclosure, I have not functioned in that capacity in four to five years.

Due to his previous employment, Chair Nolan said he had a good understanding of S.B. 475's nature which addressed the cost of defending what were, in many cases, frivolous lawsuits brought against the RTCN. The problem of frivolous lawsuits was nationwide and not restricted to Clark County. As a result of settling these lawsuits, the RTCN had to either absorb the cost of litigation by increasing fares or by finding an alternative means to make public transportation affordable while paying the settlements.

Bryan Gresh, ATC/Vancom; Regional Transportation Commission of Southern Nevada, said S.B. 475 was an important piece of legislation. Senator Carlton asked for and received clarification from Mr. Gresh on the purpose of the bill. Mr. Gresh said the bill allowed a private business the same protections as the state, city and county governments received under the principle of sovereign immunity.

Jim Wolf, Vice President and General Manager, ATC/Vancom, said he had been involved in the transportation industry for the past 25 years. Over the last three to four years, his job responsibilities changed with regard to risk and claims management.

Mr. Wolf reported on the safety record for the CAT which was operated by the ATC/Vancom. The CAT was 12 years old and had been recognized nationally by the American Public Transportation Association as the safest transportation system in North America. During the past three years, the CAT's safety record improved by 50 percent. The CAT continued to acknowledge and focus on safety efforts.

During that same time frame, the CAT had seen an increase in the cost of claims presented. In 2001, the average cost per vehicle per year had been \$5,000 for insurance and claims-related costs. In 2002, after a 25-percent reduction in accidents, the average cost per vehicle per year had been \$16,000 for insurance and claims-related costs. In 2003, after another 25-percent reduction in accidents, the average cost per vehicle per year had been \$31,000 for insurance and claims-related costs. While the CAT experienced a 50-percent reduction in accidents, it also experienced a 500-percent increase in insurance and claims-related costs. Mr. Wolf said a very small percentage of the claims for accidents exceeded \$50,000.

Mr. Wolf said the CAT received 6,000 claims in a 48-month period. He noted that any incident, no matter how small, had to be reported. The reason for this was the potential for litigation associated with any incident. Of the 6,000 claims, 85 percent had zero value or were settled for \$100. A small percentage of the 6,000 claims exceeded \$50,000 including medical expenses. Mr. Wolf said the number of claims which exceeded \$50,000 was one-half of one percent of the claims filed.

Mr. Wolf said it was very expensive for the CAT to obtain insurance in Nevada. When he began his career with the CAT approximately 11 years ago, the insurance deductible had been \$10,000. The deductible had been raised to \$100,000, then \$1 million. Currently, it was too expensive to obtain insurance for the CAT, so they had a self-retention insurance policy with a deductible of \$11 million.

The increased insurance rates impacted Nevada as the CAT was a private company which was required to carry insurance. He reported that whether the CAT was operated by the ATC/Vancom or another company, the CAT's labor history would follow the new contractor. The insurance and claims history would also follow the new contractor. The taxpayers of Nevada paid the claims as the RTCSN was funded by tax dollars. As there was only so much money to

pay the claims, there had to be increases in fares or a reduction in service in order to compensate for the increased claims.

Zev Kaplan, Legal Counsel, Regional Transportation Commission of Southern Nevada, provided the Committee with a historical perspective on the RTCSN and the CAT. When the RTCSN began operating the CAT in 1992, a policy decision was made to privatize the system. The privatization allowed the RTCSN to provide the public with as much service as was possible. The RTCSN received federal funding which helped offset the capital acquisitions for vehicles. The funding was split 80-percent federal and 20-percent local. The operating costs for the CAT were local. The RTCSN owned its vehicles which were used by a private operator, the ATC/Vancom, who was under contract to the RTCSN to manage and operate the system. The employees were not the RTCSN employees; the employees worked for the ATC/Vancom.

Mr. Kaplan estimated that if the employees were the CAT employees, instead of ATC/Vancom employees, the CAT's operating costs would be 30–35 percent higher and there would be a reduction in service. To maximize service to the community, the RTCSN elected to privatize the employment, while using publicly owned assets or vehicles. This partnership made the RTCSN-ATC/Vancom relationship unique.

The ATC/Vancom realized there could be substantial medical costs when a person was injured in a bus accident. The ATC/Vancom did not intend to deprive anybody of reimbursement for their medical costs. The bill's \$50,000 cap would not apply to an individual whose medical costs exceeded that amount. Mr. Kaplan said due to the unique public-private relationship, it had been recommended that the bill be placed in the RTCSN's enabling legislation.

Mr. Kaplan referred to the *Nevada Revised Statutes* (NRS) 41, which contained language for immune contractors. The State provided a statutory cap for the Department of Corrections (DOC) medical providers who were classified as immune contractors under the NRS. Mr. Kaplan wanted to designate the ATC/Vancom employees who worked for the CAT or other transportation systems in Nevada as immune contractors. The reason for this being the employees were private employees using publicly owned assets for the benefit of the community.

Mr. Kaplan said the Committee needed to take into consideration the fact that both the insurance-related costs and southern Nevada's population would continue to grow. He mentioned the clean-air issues in Clark County and added if the transit operations had to be reduced due to rising costs, the reduction would negatively impact the clean-air conformity requirements and growth.

Senator Carlton asked Mr. Kaplan to explain the DOC's personnel status because she thought the NRS 41 addressed medical providers. Mr. Kaplan said, "That's correct." The Senator noted the doctors working for the DOC had been provided status as immune contractors and the NRS 41 addressed medical personnel under contract to the State.

Mr. Kaplan said the medical personnel were independent contractors the same as ATC/Vancom who contracted with the RTCSN. Senator Carlton said she understood that the ATC/Vancom contracted with the RTCSN, but the difference was the ATC/Vancom was in business to make a profit while the DOC medical providers were providing medical services to the DOC for a set fee. The difference would be in the amount of the contract.

Senator Carlton stated that she did not like privatization. She said her concerns were that the RTCSN, the CAT and the ATC/Vancom would be given protections by the Legislature which would help the companies profit, while someone who was hurt might not have the same protections required to be made whole.

Mr. Kaplan said the protections offered by the CAT would be significantly better than those offered by a public entity due to the \$50,000 cap. Senator Carlton said the ATC/Vancom employees were not public employees. She stated there was a line between sovereign immunity for municipalities and private businesses. The Senator said she understood where Mr. Kaplan found his instance of an immune contractor but added she was concerned with a person not being able to exercise their full rights and go to court if they were hurt. According to the bill, only the actual medical costs would be covered. She noted there were additional costs associated with an accident in addition to medical costs. Through S.B. 475, ATC/Vancom was trying to protect itself against paying those costs. She asked Mr. Kaplan whether or not she was correct in her statement. Mr. Kaplan replied, "Yes, Senator, that is correct."

Mr. Kaplan talked about a recent fatal accident in Las Vegas which resulted in a lawsuit. Both the RTCSN and the ATC/Vancom were named in the lawsuit even though they were not a party to the accident. Mr. Kaplan said that was the type of instance in which the bill would protect ATC/Vancom.

Curtis L. Myles III, Deputy General Manager, Regional Transportation Commission of Southern Nevada, said he echoed the comments made by Mr. Wolf and Mr. Kaplan. He added Mr. Kaplan served as the general counsel for the RTCSN, not the ATC/Vancom.

Mr. Myles stated the ATC/Vancom was a management company whose employees worked for the ATC/Vancom, not the RTCSN. He added the RTCSN would still have to hire the drivers to perform the services currently provided by the ATC/Vancom employees if an agreement were not in place between the RTCSN and ATC/Vancom. Further, the RTCSN would still own the vehicles and have to buy fuel and tires. Mr. Myles made note of that fact so the Committee had a perspective on the RTCSN's position.

Mr. Myles stated the RTCSN operated in a rapidly growing section of Nevada. To address some of the concerns associated with rapid growth, the RTCSN had to deploy and develop various types of mass-transit systems in order to move people around and share in the prosperity southern Nevada currently enjoyed.

There were two criteria which allowed a mass-transit system to be successful: it had to go where people wanted to go and be cost-effective. Mr. Myles noted that most riders on a mass-transit system did not have the economic means to purchase and maintain a private vehicle which is why they used public transportation.

Due to the second criteria, the RTCSN tried to keep fares as low as possible. The RTCSN looked forward to re-procuring the existing fixed-route contract and to employing various means of public transportation such as double-decker buses. However, the RTCSN had to keep in mind the effect additional liability would have on the contracts and what portion of the liability each party to the contract was willing to assume.

Vice Chair Heck asked for and received clarification from Mr. Myles regarding ownership of the RTCSN vehicles. Mr. Myles told the Vice Chair that the RTCSN owned the vehicles and was responsible for their repair and upkeep

while the ATC/Vancom employed the drivers. Additionally, the RTCSN established the routes and schedules. The ATC/Vancom provided the management services required for the deployment of the services established by the RTCSN.

Senator Horsford said he read the bill and understood the testimony on the bill. The Senator referred to section 1, subsection 2, paragraph (a). He asked why the ATC/Vancom should be provided with the same level of protection as was provided to a governmental entity, especially when the ATC/Vancom employee, a private employee, caused harm to a member of the public who had a right to sue. He noted the ATC/Vancom employee might have caused an accident due to poor judgment or driving recklessly.

Mr. Myles said the RTCSN was the effective owner of the service and had the exclusive right to operate a public mass-transit system within the rights-of-way of the governmental entities located in southern Nevada. The RTCSN owned the vehicles and all other aspects of the operation with the exception of the employees and the management of the mass-transit system. He stated if the RTCSN did not contract with an agency such as the ATC/Vancom, the RTCSN would have to hire management staff and drivers.

The RTCSN analyzed the staffing situation on two occasions and determined the impact of hiring staff versus contracting for staff would be on the service levels. The RTCSN currently had 51 routes in operation. The RTCSN would have to reduce that number of routes to approximately 35 if it had to hire employees instead of contracting with an outside vendor to provide the employees.

The RTCSN currently spent approximately \$51 million on the fixed-route service and would have to reduce that amount to approximately \$36 million. The RTCSN felt, notwithstanding Senator Horsford's concerns, there was an advantage to contracting with the ATC/Vancom.

Mr. Myles added that the benefits RTCSN realized when contracting with an outside vendor were being eroded by outside liability costs. It was the RTCSN's opinion that its direct agents, acting on its behalf and in the public interest, should enjoy the same liability cap as the RTCSN.

Senator Horsford asked whether there were precedents in other states for legislation such as S.B. 475, which provided protection for independent

contractors acting on behalf of a governmental entity. Mr. Kaplan said Texas adopted similar legislation and noted some of the language in S.B. 475 had been based on Texas law. He said he was not sure how many other states had adopted similar legislation and offered to provide the Committee with the information.

Senator Horsford noted that his background was with nonprofit organizations and that there had been times when a nonprofit organization contracted with an independent contractor and needed to add additional liability insurance. He said he could understand if the RTCSN needed to expand its liability coverage to protect the ATC/Vancom or any vendor under contract to the ATC/Vancom. The Senator said he was concerned with the bill's language which would take the ATC/Vancom's liability to the same level as that of a public entity when it had private employees who might have contributed to the damages incurred. He said that was something the Committee should review.

Senator Horsford asked about the current contractual agreement between the RTCSN and the ATC/Vancom, specifically the length of the agreement and how S.B. 475 affected that agreement.

Mr. Wolf told the Committee the ATC/Vancom had three contracts with the RTCSN; two of the contracts would expire in 2005 and the third one would expire within the next three years.

Senator Horsford asked whether the ATC/Vancom would increase the fees it charged the RTCSN without the protection provided by the bill. Mr. Wolf said the ATC/Vancom would go through a re-procurement process; one vendor's history with the RTCSN would be brought forward to other potential vendors. When the contracts went for bid, the vendors would look at the history of the labor costs, the insurance and claims costs. Those costs would then be built into the fees the vendor charged the RTCSN. Mr. Wolf stated without the protection provided by S.B. 475, the contractors would bill the RTCSN at a higher rate.

Senator Horsford said he wanted the following information provided to the Committee: whether or not other states afforded the RTCSN and the ATC/Vancom the same protections as those contained in the bill and the claims paid by the RTCSN and the ATC/Vancom. The Senator stated he did not want the people of Nevada to be negatively impacted by S.B. 475, and he did not

want the people of Nevada to cover the costs of another municipality that did not have the same protection for its constituents.

Mr. Wolf told the Senator that the ATC/Vancom had 37 contracts in 18 other states. Some of the contracts provided the same protection as contained in the bill and were called management contracts. He added the ATC/Vancom operated the Valley Metro Transit Centers in Phoenix, Arizona, for approximately 30 years. Under the contract with the Valley Metro Transit Centers, the ATC/Vancom provided the employees, including the mechanics, service workers and drivers, while the Valley Metro Transit Centers provided the vehicles and facilities. Under that specific contract, the ATC/Vancom was covered by the tort.

Senator Horsford asked Mr. Wolf to provide the Committee with the contract information for all the jurisdictions the ATC/Vancom operated in and whether or not those operations received the protections outlined in S.B. 475.

The Chair said he thought Senator Horsford was requesting an overview of the ATC/Vancom operations in municipalities outside of Nevada and that the information the Senator wanted was: whether the public transit systems in other municipalities operated in a manner similar to the regional transportation commissions in Nevada and used subcontractors and which of those transit systems had civil immunity. Chair Nolan said he hoped the information would be provided the Committee as soon as possible due to legislative deadlines.

Senator Carlton stated that privatization was being touted as the way Nevada could achieve better results financially. However, the State's experience with the Southern Nevada Women's Correctional Center demonstrated privatization of governmental agencies did not always work. She said that the RTCSN's problem could be solved by hiring the ATC/Vancom employees, which would make them employees of a governmental entity. The employees would then enjoy the same benefits and protections other governmental employees enjoyed.

Senator Carlton said S.B. 475 was not the only option to solve the problem, that there were other avenues available for the RTCSN to explore and use.

The Chair said the RTCSN examined the employment situation before. He requested Mr. Myles provide Senator Carlton with information on the additional cost to the RTCSN if it hired the ATC/Vancom employees, thus turning a

private-public partnership into a public-employee situation. Chair Nolan said he realized there would be a downside to the RTCSN hiring its own employees.

Mr. Myles said the RTCSN reviewed the situation twice during his tenure with the company. During those reviews, the RTCSN analyzed hiring its own employees and providing the same benefits to them which they received as the ATC/Vancom employees. The cost of hiring employees and providing them with benefits would increase the existing contract by approximately 35 percent with an approximately 3- or 4-percent cost-of-living increase. The increased costs would result in either an increase in the fares charged or a reduction in the number of routes. The RTCSN estimated it would have to reduce the number of routes from 50 to approximately 34 if it were forced to hire its own employees and provide them with benefits.

Chair Nolan said if the private-public partnership were removed, the costs would be significantly increased while the service to the citizens of southern Nevada would be decreased. Mr. Myles agreed with the Chair. Senator Carlton stated that would happen only if the Legislature did not fund the operation of the RTCSN.

Derek Morse, Regional Transportation Commission of Washoe County (RTCWC), stated the RTCWC was older than the RTCSN as it began operations in 1979. The RTCWC had a penchant for privatization, using both management and turnkey contractors for the fixed-route and paratransit services.

Mr. Morse said the RTCWC supported S.B. 475 as the money being used to pay for insurance premiums could be used to increase services to Washoe County residents. Mr. Morse said the RTCWC paid approximately \$750,000 annually for insurance premiums to cover excess liability above a self-insured retention of \$500,000. Mr. Morse explained that meant any claims under \$500,000 would be paid directly by the RTCWC.

Mr. Morse said the bill would have no impact on a contractor's bottom line as the costs were a pass-through. Mr. Morse emphasized that the buildings, the fixed equipment, leases and vehicles were owned by the regional transportation commissions in the public's name, while the contractors employed the mechanics and the drivers. The situation was different than extending such immunity to a construction contractor. Both the RTCWC and the RTCSN felt the

contract employees provided a public service and deserved to be protected in the same fashion government employees were protected.

Mr. Morse noted the \$50,000 cap contained in the bill was a soft cap. He explained that meant when the medical expenses exceeded \$50,000, there would be liability for the additional expenses. The RTCWC took all safety issues seriously and had won awards for safety. Because of the RTCWC's safety record, its insurance rates remained constant, with few increases, while other transit systems had seen their insurance rates increase. Mr. Morse stressed that every dollar paid toward insurance could be a dollar put into service for the public.

Vice Chair Heck said he appreciated the analogy of who owned the equipment and who hired the employees. He said the University Medical Center was owned by Clark County.

Senator Carlton reiterated her point which was the RTCSN and the RTCWC equipment was owned by taxpayers while their employees were not government employees. While the regional transportation commissions said they wanted to protect the taxpayers, it was the taxpayers who would end up being hurt by the bill and who would not be made fully whole. She wanted to know if the Committee should not make whole someone who had been injured, because it had not fully funded something. She said it was the taxpayers who would be harmed by the bill if they were not made whole and were put in that position by being hurt in an accident. She reminded those present that the taxpayers were an important part of the equation. Senator Carlton said while the bill might protect the taxpayers, it also might possibly harm them.

Mr. Morse said he understood Senator Carlton's position. In a perfect world, there would be enough money to fund all the needs. However, the regional transportation commissions knew the dramatic growth of Nevada and the State's transportation needs. The regional transportation commissions could not keep up with the transportation needs of their respective communities. Both the RTCWC and the RTCSN were looking to make every dollar go as far as possible.

Mr. Morse said, based on his experiences, both at the RTCWC and other transit systems, there had been occasions when a contractor was extended sovereign immunity by a governmental entity. He mentioned Florida as one example of a governmental entity which extended sovereign immunity to a contractor

because it recognized the services provided were truly a public service. He noted Florida's transit systems were a combination of private-public partnerships and public entities.

Matthew L. Sharp, Nevada Trial Lawyers Association (NTLA), said the NTLA opposed S.B. 475. He added under the bill, if a private employee ran over and killed a mother of two, her family would receive \$50,000 plus money to pay the ambulance bill. Mr. Sharp said he did not think the family would have received fair compensation for their loss under the bill. He added the concept of sovereign immunity dated back centuries and was based on the belief that the king could do no wrong. Over time, the concept had been adopted by some, but not all, states.

The \$50,000 cap was for governmental entities, not private businesses. There were rare exceptions which included an overriding public policy such as prison doctors. In this instance, the bill addressed the removal of rights of Nevadans, penalizing those people who were the most severely injured, for no savings.

Mr. Sharp directed the Committee's attention to the proposed savings which would be realized by the bill. He said testimony indicated that 85 percent of the claims had no value while a small percentage of the claims exceeded the \$50,000 cap. Mr. Sharp said he had not heard testimony addressing specific cost savings which would be gained if the bill were enacted. Additionally, no insurance-industry representative had told the Committee the insurance rates would be lowered as a result of the bill's passage. It appeared as though all Nevadans on all levels were being gouged by the insurance industry but that did not justify penalizing those individuals who were injured through no fault of their own.

Mr. Sharp repeated his opposition to the bill. He said he did not think it was good public policy and that it unfairly penalized people. The NTLA made every effort to limit frivolous law suits. There were procedures in place to hold personally accountable those attorneys who filed frivolous law suits.

Chair Nolan asked whether or not the doctrine of civil immunity had been challenged in the State. Mr. Sharp said the concept had not been challenged; there had been cases relating to whether or not the cap was per-claim or per-person cap. There had been discussions regarding raising the cap.

Chair Nolan asked whether it would be fair to say that the Legislature had determined there was a useful purpose for providing sovereign immunity to municipal and civil entities. The purpose for sovereign immunity changed from old English law to protecting taxpayers' assets. Mr. Sharp said there had been no serious discussion regarding raising the \$50,000 cap in light of the budget crisis. He said the \$50,000 cap cost Nevada's taxpayers money every day.

Chair Nolan said when a person was killed in an accident by a public-transportation vehicle, it made no difference whether the driver was a private or public employee under the bill. Mr. Sharp stated the Chair was correct and added the operative word was private versus public. The private companies made a decision to go into business and existed to make a profit. With the profit came responsibility to the public including those injured by company employees.

Chair Nolan said as he read the bill, the cost of doing business on a private sector was in relationship to what they are continually paying out; however, with the bill, if the system were purely public, the exposure would be \$50,000 and there would be no other considerations for other medical expenses. Mr. Sharp said the Chair would be correct if he were addressing a purely public system with a driver who was employed by a governmental entity. Mr. Sharp said the operative word was public versus private. Additionally, Mr. Sharp said the soft cap did not take into account the economic losses which a family might incur due to a catastrophic injury. The cap referenced actual medical costs.

Mr. Sharp did not know whether the actual medical costs included the costs of rehabilitation or if it was limited to the actual hospital costs. Mr. Sharp said he was talking about the severely injured people who would be affected by S.B. 475. The \$50,000 would be an insult to those people when they, as taxpayers, supported the company.

Chair Nolan said the bill would be scheduled for a work session. The Chair stated the bill was a policy issue for the Committee to make in determining whether or not those types of expenses would establish whether the service should be public due to private industry's inability to afford the insurance required. It had stated that the service would be decreased while the rates were increased if the service were made purely public. Harm would be done to those individuals who were injured as the bill provided greater remuneration and compensation to a person who was injured than what was provided under the sovereign-immunity doctrine.

The Chair asked how high the \$50,000 could be stacked in any particular incident. Mr. Sharp said it was \$50,000 per person. Senator Schneider wanted to know whether the \$50,000 could be stacked higher on each person if a per-injury basis was used. Mr. Sharp replied, "No," adding if he were injured with multiple injuries, he would receive only the \$50,000 total.

Senator Amodei asked whether damages could be claimed from both a regional transportation commission and the contracting company. Mr. Sharp said he thought it would be \$50,000 per entity; however, he would have to research the subject in order to provide the Senator with a correct answer. Chair Nolan noted that the RTCSN and the RTCWC representatives indicated Mr. Sharp's answer was correct.

Chair Nolan closed the hearing on S.B. 475 and opened the hearing on S.B. 322.

SENATE BILL 322: Requires regional transportation commissions to take certain actions to minimize impacts of certain street and highway projects. (BDR 32-738)

Senator Schneider said the bill had been brought to the Committee's attention by the RTCSN's CAC. A member of the CAC, Andy Maline, provided a Microsoft PowerPoint presentation for the Committee's review.

Senator Schneider said the thrust of the bill was to help alleviate traffic problems in Las Vegas and to have the contractors work with the different governmental entities and private companies in order to move traffic more efficiently.

Due to technical difficulties, Chair Nolan closed the hearing on S.B. 322 and opened the hearing on S.B. 380.

SENATE BILL 380: Revises provisions relating to Nevada Commission on Homeland Security. (BDR 19-611)

Stan Olsen, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association, presented a handout detailing the history of S.B. 380 (Exhibit G, original is on file at the Research Library) and the proposed amendment to the bill.

Mr. Olsen explained Assembly Bill (A.B.) 233 was a companion bill which mirrored S.B. 380.

ASSEMBLY BILL 233: Revises provisions relating to Nevada Commission on Homeland Security. (BDR 19-1200)

Mr. Olsen said a working group had been meeting to discuss the two identical bills. Exhibit G detailed which individuals attended the work-group meetings. Chair Nolan said the bill had been presented by Nevada Commission on Homeland Security Commission (NCHS).

Mr. Olsen told the Committee the exhibit contained the proposed amendments to the bill. He added that Laura Mijanovich of the American Civil Liberties Union (ACLU) had not submitted an amendment prior to the Committee hearing. Mr. Olsen noted that all of the parties named on page 1 of the exhibit were in agreement with the proposed amendments.

Mr. Olsen reviewed the proposed amendment, section by section, for the Committee's benefit. Sections 1 and 2 of the bill were not changed. Section 3 clarified that the classified employees of the Department of Public Safety would be paid from the State's General Fund or other sources. If grant money were used to fund the salaries of the classified employees, the salaries could not exceed the amount due under federal guidelines. The Division of Emergency Management (DEM), Department of Public Safety, could use administrative fees to fund the DEM's operation.

Section 4 of the bill had been completely deleted and replaced with the italicized information of Exhibit G.

Section 5 of the bill had been completely deleted and replaced with the italicized information. The section mandated that the State and the local government adopt the national standard mandated by the U.S. Department of Homeland Security. The idea being that all parties were moving towards the same goal and had the same information to resolve issues as those issues arose.

Section 6 had not been changed except to add the phrase, " ... and section 2 of this act."

Section 7 originally required a reduction in the current membership roster of the NCHS from 14 members to 10 members. The members of the work group felt that change to be significant and drastic. Mr. Olsen noted there was a typographical error in the amendment pertaining to the number of people the Governor could appoint to serve on the NCHS; the number should be 14, not 13 members. Mr. Olsen reviewed the NCHS-membership requirements for the Committee's benefit.

Chair Nolan said the NCHS had one of the largest membership rosters of any Commission in the State's service and the number of members made it difficult to manage.

The large membership had been the genesis behind Assemblyman Richard D. Perkins' interest in reducing the membership to a more manageable number. Chair Nolan said the compromise was good.

Senator Carlton said she added the number of members listed in the bill. Her total was 7, not 14 members. She wanted to know where the additional members were listed in the bill. Mr. Olsen reported that the NRS 239C.120 contained the NCHS-membership requirements beginning with subsection 2:

2. The Governor shall appoint to the Commission a number of members that he determines to be appropriate, except that the Commission must include at least:

- (a) One member who is a representative of a Nevada law enforcement agency; and

- (b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.

3. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

4. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

5. Except for the initial members, the term of office of each member of the Commission who is a Legislator is 2 years and commences on July 1 of the year of appointment.

6. The Governor or his designee shall:

- (a) Serve as Chairman of the Commission; and

(b) Appoint a member of the Commission to serve as Vice Chairman of the Commission.

Mr. Olsen and Senator Carlton reviewed the membership requirements in both the NRS and S.B. 380. The working group decided the NCHS membership should represent certain areas of interest and those areas of interest needed to be included by statute which meant the bill needed to be amended to include those representatives.

Mr. Olsen said the original intent had been to reduce the NCHS's membership; the bill reduced the membership by two members. The working group wanted to capture important positions needed to address certain homeland-security issues and still leave five positions for the Governor to appoint.

Senator Carlton said she was concerned about the productivity of a commission with 14 members. She stressed that she did not want to take the Governor's appointees away from him. The Senator wanted to know whether or not the Governor was allowed five appointees due to the membership makeup contained in [Exhibit G](#).

Chair Nolan said the amendment represented a reduction in membership from 16 members to 14 members. Senator Carlton suggested further reducing the NCHS membership by four members. The Chair stated the working group extensively reviewed the membership requirements and the membership makeup contained in the exhibit was based on the working-group's review.

Mr. Olsen said the appointment of five members by the Governor permitted the Governor to appoint qualified individuals from the private sector.

Section 8 had been amended by deleting the new language and leaving the existing language contained in the NRS intact. The working group felt the NCHS chair should have the ability to appoint specific technical committees and the chair was allowed to make those appointments by using the existing language.

Section 9 had not been changed as the working group's intent had been to leave the existing language in the NRS intact.

Section 10 addressed the NCHS's standing committees, including the standing committees for bylaws and legislation. The working group felt any legislation

generated by the NCHS should be at the call of the chair and the standing committees for bylaws and legislation should be dissolved. However, the issue of finance was important enough that it should have its own standing committee with members permanently assigned based on their expertise.

The proposed changes in section 10 deleted subsection 2 and deleted the phrase, "... a Committee on Legislation and Bylaws and ..." while the rest of the section would not be changed.

Vice Chair Heck said he understood the NCHS believed it could not appoint subcommittees unless the subcommittees were comprised of the NCHS members. He wanted to know whether language had been found which would permit the NCHS members to appoint non-NCHS members to subcommittees.

Mr. Olsen replied that the working group understood the NCHS chair could appoint a technical committee to address technical issues. The members of the NCHS might not have the technical expertise, which meant non-members with the needed expertise could be appointed to a NCHS subcommittee.

Vice Chair Heck said he understood that and added the previous chair of the NCHS thought he did not have the authority to appoint non-NCHS members to a NCHS subcommittee. The Vice Chair asked how that situation had been rectified. Mr. Olsen said he did not have knowledge regarding the NCHS chair's authority when appointing subcommittee members.

Section 11 contained minor changes as related to the bill.

The intent of section 12 was to preserve the existing language in the NRS. The issue of media access was already addressed in the NRS. All the new language in section 12 had been deleted.

Section 13 allowed the existing language in the NRS to stand.

Section 14 contained cleanup language as related to other sections of the bill.

Sections 15, 16 and 17 allowed the existing language in the NRS to stand.

Vice Chair Heck asked for and received clarification from Mr. Olsen on the existing language in section 12 of [Exhibit G](#). The Vice Chair wanted to know

whether that section had not been amended or if the amendments had been removed from that section. Mr. Olsen said all the new changes in the section had been removed and the existing language was left to stand as written.

Dr. Dale M. Carrison, Director, Nevada Commission on Homeland Security, thanked the members of the working group for their efforts in producing [Exhibit G](#). The working group reconciled the differences between the Senate bill and the Assembly bill.

Dr. Carrison reported the NCHS membership had been reduced when he was appointed as chair of the NCHS. He stated the current membership roster was workable and provided expertise from the many professions represented by the members of the NCHS. Dr. Carrison said homeland-security issues were complex. He assured the Committee that the NCHS membership makeup was workable and added that he would work with the resources provided by the Committee.

Dr. Carrison addressed the subject of the ex officio members of the NCHS who were nonvoting members of the NCHS. These people were appointed due to requirements contained in the federal-grants standards.

Dr. Garrison said he and the Vice Chair discussed the Vice Chair's concerns regarding the bill. He added the NCHS members were not required to serve on the technical committees when those technical committees served in lieu of formal NCHS committees. When the committee was called either a technical committee or technical task force, Dr. Garrison had the ability to appoint non-NCHS members to serve on it.

Dr. Garrison explained the difference between a technical committee and the NCHS's Finance Committee or Bylaws Committee. The Bylaws Committee directly affected the operations of the NCHS, the Finance Committee made recommendations to the Governor regarding the allocation of resources and the technical committee kept the NCHS abreast of technological advances which would benefit the State.

Chair Nolan said the record would reflect the following individuals supported [S.B. 380](#): Frank Siracusa, Chief, Division of Emergency Management, Department of Public Safety; Ted J. Olivas, City of Las Vegas; Judy Stokey,

Nevada Power Company, Sierra Pacific Power Company and Debra Jacobson, Southwest Gas Corporation.

Laura Mijanovich, American Civil Liberties Union, said the Committee had been told that she had been delinquent in presenting her proposed amendment to A.B. 233. Ms. Mijanovich stated she had submitted her proposed amendments to the work group on April 11, 2005. She added that she had been unaware of a specific date for submitting the proposed amendments.

Ms. Mijanovich said the points raised in her proposed amendments were important and felt she should be allowed to present them to the Committee even though they were not included in [Exhibit G](#).

Speaker Richard Perkins and Assemblyman David R. Parks had been given a copy of Ms. Mijanovich's proposed amendments but Ms. Mijanovich made no mention of providing the proposed amendments to the members of the Senate Committee on Transportation and Homeland Security. She offered to provide the Committee with a copy of her proposed amendments.

Chair Nolan said he did not know whether or not his office had received a copy of Ms. Mijanovich's proposed amendments and requested she submit another copy. He asked if the proposed amendments had been presented to the work group but not included in [Exhibit G](#) or if the amendments were controversial. Ms. Mijanovich replied that her amendments were controversial. She disagreed with Mr. Olsen's presentation on the bill.

Mr. Olsen told the Committee the last meeting of the work group had been held on April 6, 2005. All parties participating in that meeting were instructed to provide their suggested changes to S.B. 380 via e-mail to Mr. Olsen no later than April 7, 2005. Ms. Mijanovich had been present when that instruction was provided. She later telephoned Mr. Olsen requesting a one-day extension as she could not meet the April 7, 2005, deadline. Mr. Olsen granted the extension. He drafted [Exhibit G](#) after waiting until April 10, 2005, to receive Ms. Mijanovich's proposed amendments. Mr. Olsen drafted his document without receiving Ms. Mijanovich's documentation.

Chair Nolan asked Ms. Mijanovich to explain her disagreement with the bill and her proposed amendments. Ms. Mijanovich said her comments would be directed towards A.B. 233 instead of S.B. 380. She stated that all public bodies

in Nevada were supposed to conduct their meetings according to the provisions of Nevada's Open Meeting Law. The provisions of the Open Meeting Law included public notice of all meetings held by governmental agencies to permit attendance by members of the public, to provide agendas detailing the items which would be considered at the meetings and make the documents and minutes available to the public upon request.

Ms. Mijanovich said there were certain circumstances which allowed a public body to close its meetings but those were exceptional circumstances. She outlined the procedure by which a meeting would be closed to the public.

Ms. Mijanovich referred to section 8 of A.B. 233 as it was an exception to Nevada's Open Meeting Law. The section described a number of broad categories which would be disclosed in a closed meeting without the public participating or commenting on those categories. She added that the language did not appear to require the NCHS to provide notice of the meetings.

The Chair asked Ms. Mijanovich whether she was discussing the provisions in A.B. 233 and if so, if the section she was concerned about was already in law or a proposed amendment.

Ms. Mijanovich said her changes were to A.B. 233. She offered to review her proposed amendment section by section. The Chair told her that was not an option as the Committee members had not been provided with a copy of the amendment and would not have it available for review as she read.

Chair Nolan said Exhibit G would be redrafted and S.B. 380 would be considered in a work session. During the work session, the Committee would consider Ms. Mijanovich's proposed amendments. Staff would be asked to review the amendments and make recommendations as to how those recommendations could be merged into Exhibit G.

Giles E. Vanderhoof, Major General, The Adjutant General of Nevada, Office of the Military, said he supported S.B. 380 as written. Chair Nolan asked that the record reflect that support.

Chair Nolan closed the hearing on S.B. 380 and reopened the hearing on S.B. 322.

Andy Maline, Citizens Advisory Committee, RTCSN, presented a Microsoft Power Point presentation on a CD ([Exhibit H](#), a copy of the CD is on file at the Research Library) which detailed the traffic problems and congestion in Clark County. During his presentation, he noted project-conflict-avoidance software had been available since 1999 and suggested it be used to schedule highway construction projects in Clark County. Mr. Maline suggested giving the Clark County radio and television stations read-only access to the project-conflict-avoidance software in order to provide the public with the most current traffic reports.

Chair Nolan noted the CAC was mandated to report to the RTCSN and make recommendations to that board. He asked how the RTCSN received the CAC's recommendations. Mr. Maline said in September 2004, the CAC presented its recommendations to the Executive Advisory Committee (EAC) of the RTCSN. Mr. Maline received one question and no objections from the EAC at that time. Mr. Maline presented the CAC's recommendations to the RTCSN in October 2004. He had been told his presentation was well received by the RTCSN.

Chair Nolan said he understood the bill's intent as he had the same frustrations with traffic in Clark County as did other people driving in southern Nevada. The bill affected all of Nevada, not just Clark County.

Mr. Maline said the recommendations made to the Legislature originated in other municipalities where they had been successful. Mr. Maline noted the bill would not be a threat to an entity already following the bill's provisions.

Senator Schneider said the first photograph in Mr. Maline's presentation showed the Desert Inn Road arterial. He noted a lane of the arterial had been closed while the Las Vegas Monorail System was under construction. During that time, the construction workers parked a mobile crane in a traffic lane every night effectively closing the lane to traffic for the night. Senator Schneider added that such closings lead to road rage and cost the taxpayers a significant amount of money.

Senator Schneider stated the CAC worked hard on its presentation and the Committee should give the bill serious consideration. Due to the legislative deadlines, Senator Schneider requested the Committee obtain an exception for

S.B. 322 so it could receive the Committee's full attention and be processed with the consideration it deserved.

Chair Nolan said the Committee would consider the Senator's suggestion and the Committee members would be polled on the best means to process the bill once all testimony was received.

Jacob Snow, General Manager, Regional Transportation Commission of Southern Nevada, said the RTCSN had not taken a position on the bill and did not oppose the bill. He stated the RTCSN generally supported the measure. Mr. Snow said he appreciated the work of both Mr. Maline and the CAC.

Mr. Snow told the Committee the following CAC recommendations had been received favorably by the RTCSN: lane rentals and project-conflict-avoidance software.

The RTCSN was working on lane rental and would continue to work on it no matter what happened to the bill during the Legislative Session. The RTCSN had used project-conflict-avoidance software with limited success. Mr. Snow attributed the limited success of the software to the fact that the RTCSN had not requested assistance from the utility companies or governmental entities in Clark County. He stressed the RTCSN was not requesting additional personnel or funds to purchase the software.

The RTCSN wanted information on capital improvement projects from the utilities and other governmental agencies, specifically where the projects were located and the time frame involved with each project. Mr. Snow stated that knowing the time frame of each capital improvement project would permit the RTCSN to optimize the system while reducing multiple, same-time road closures.

Mr. Snow reiterated the difficulty in obtaining the needed information from the utilities and governmental entities in Clark County which prevented the RTCSN from fully implementing the project-conflict-avoidance software. He added that he hoped the bill would contain a provision which would assist the RTCSN in obtaining the information it required to make the software truly effective.

Chair Nolan asked for clarification on Mr. Snow's statement regarding the lack of information required to make the project-conflict-avoidance software

effective. He told Mr. Snow the Committee needed to know whether an amendment was required or if there were something the Committee could do to assist the RTCSN in obtaining the information it required to make the software operational.

Mr. Snow said the RTCSN's utility-conflict-avoidance committee was in place and its membership was comprised of any utility or governmental entity in Clark County that would be excavating a street in the county. Mr. Snow noted some entities or utilities were cooperative while others were not. The RTCSN would request the needed information by telling the utilities or governmental entities that the information was for the good of the community and would reduce the impact of road construction on the public.

Mr. Snow reiterated the RTCSN was not able to obtain all the information related to the capital improvement projects which would make the project-conflict-avoidance software effective.

Mr. Snow told the Committee that the rights-of-way for streets, roads and highways in Clark County did not belong to the RTCSN. The liability issues for the governmental entities in Clark County were a legitimate concern. The RTCSN did not think it appropriate for it to permit all road construction activities. The governmental entities in Clark County worked in a professional manner.

Mr. Snow stated he thought the governmental entities would agree there was room for improvement in terms of providing the public with better, more complete information concerning traffic construction and delays in Clark County. The RTCSN proposed a trial public-information project which would identify all RTCSN-funded projects. The RTCSN planned and funded those projects, but did not provide administrative oversight of the projects. The projects would be managed by either Clark County or one of the cities in the county. The RTCSN offered to identify specific neighborhoods along the linear corridor where construction projects were scheduled. The residents of the affected neighborhoods received direct mailings from the RTCSN, which contained specific project dates and suggested alternative routes. The entities or the utilities had not cooperated with the RTCSN on some of the projects.

Mr. Snow attributed the lack of cooperation to the entities and utilities not feeling comfortable with the RTCSN providing information to the public on their

projects. The entities and utilities all employed their own public-information staff which provided that information to the public.

Mr. Snow stated the RTCSN was supportive of the bill for the most part. He noted the RTCSN felt that not all of the CAC's recommendations were workable. Mr. Snow said the issue of signage was not within the RTCSN's purview.

Mr. Snow referred to the language in section 1, subsection 2 and paragraph (a) of S.B. 322. He suggested replacing the phrase " ... Reduce instances of: Multiple closures or restrictions of streets, highways and lanes of traffic within the same geographic area ... " with the phrase " ... Mitigate the impact of: Multiple closures or restrictions of streets, highways and lanes of traffic within the same geographic area ... " He noted there would be occasions when a construction project mandated the closure of a street, highway or travel lane. Additionally, there would be multiple closures by the utilities or governmental entities in Clark County which were not related to a road-construction project. As an example, Mr. Snow cited flood-control work as being one instance where a road would have to be closed.

The RTCSN worked towards mitigating the impact of any project which mandated the closing of a road, highway or travel.

Mr. Snow told the Committee the RTCSN would be more comfortable with the bill if changes were made to it.

Senator Schneider wanted to know how long it would take Mr. Snow to prepare an amendment to the bill. Mr. Snow said his testimony regarding mitigating the impact of construction projects would be the basis for his amendment to the bill.

Mr. Snow stated the RTCSN would continue to work with the governmental entities and utilities in Clark County on the utility-conflict-avoidance process. The RTCSN encouraged the governmental entities and utilities to provide the RTCSN with the data required to make the utility-conflict-avoidance process successful.

Barry Duncan, Southern Nevada Home Builders Association, stated he had staffed the RTCSN's technical committees for the past five and a half years.

The technical committees worked with Mr. Snow on a variety of issues including those related to the ballot Question 10 improvements.

Mr. Duncan said the issue of difficulties of construction management had not been addressed. The utilities and contractors performed multiple functions for the improvement of the public-transportation system, not its detriment. During road, street or highway construction, lanes of traffic would have to be closed to serve the greater interest.

Mr. Duncan stated the construction industry did not want to close traffic lanes if it did not have to but such closures were sometimes required for highway construction, utility and flood control projects.

Mr. Duncan said the bill, as written, had serious problems and he opposed it. Mr. Duncan wanted his legal counsel to draft any proposed amendments for the bill.

Senator Amodei pointed out the bill had to be processed by the Committee before the legislative deadline and asked whether Mr. Duncan had any thoughts which would assist the Committee in processing the bill. Mr. Duncan said he could immediately meet with his legal counsel and the various stakeholders to discuss a proposed amendment. Mr. Duncan said he would be able to present an amendment to the bill to the Committee by its next meeting.

Senator Amodei noted the bills were scheduled by the Chair for a hearing as they were received and Chair Nolan was under the same legislative deadline as the other committee chairs. Chair Nolan noted if there were major amendments to the bill, the Committee would have a difficult time processing it before the legislative deadline.

Mr. Morse stated the RTCWC supported the spirit and intent of the bill. However, the RTCWC had problems with the bill. He reported that 10 years ago, the RTCWC spent 5 to 10 percent of a project's costs for maintenance and protection of traffic, including public outreach and communication. Today, that figure was 10 to 20 percent. The money was spent for traffic control, notification, outreach and other items which would make the project less disruptive to the public.

The RTCWC's construction projects were simplified by the fact there were only two major construction companies in operation in Washoe County, the NDOT and the RTCWC. Other maintenance and utility projects were coordinated by the RTCWC. In the past, the RTCWC deferred or postponed construction projects to better accommodate the schedules of the utility companies or local governmental entities.

Mr. Morse outlined the process by which the public was notified of any highway-, street- or road-construction project. The RTCWC conducted an annual-media lunch at which the RTCWC's work program for the upcoming year was shared with print-, television- and radio-media representatives. Additionally, the RTCWC met with every citizens' advisory board and neighborhood advisory board in Washoe County in order to present the work programs and the project schedule.

For each individual project, a letter was sent to every property owner within the project area. The letter provided the property owner with the RTCWC's contact information. The RTCWC conducted public meetings during the design process of each project. People living or doing business within the project areas as well as the general public were invited to attend those public meetings. The RTCWC wanted to receive input concerning access needs, special sales events or special tourist events generated by the casinos. The RTCWC accommodated those needs in the contract documents connected with every project. Mr. Morse stressed the RTCWC would not start a project that would interfere with a special event such as Hot August Nights.

Mr. Morse told the Committee that before a construction project began, a joint RTCWC-contractor letter was sent to every person or business within the project area. The letter contained contact information, start and stop dates and the personnel assigned to oversee the project.

The RTCWC was required to provide 24 hours' notice to a property or business owner when the RTCWC excavated in front of the property or business owner's property. This letter was hand delivered instead of being mailed. The RTCWC was required to provide 2 hours' notice to any property or business owner whose driveway or access would be closed by a RTCWC project.

To provide information to the public, the RTCWC set up a Web site, installed a telephone hot line and conducted bimonthly meetings with the ATC/Vancom to

discuss traffic control issues. Mr. Morse stressed that the RTCWC was serious about providing information to the public relating to the RTCWC's construction projects.

The *Reno Gazette-Journal* publishes a weekly column entitled "Street Beat" which details the RTCWC's projects and other construction projects within Washoe County. Mr. Morse told the Committee the RTCWC installed real-time Web cams at some of the major construction projects. The Web cams allowed the public access to look at the traffic and plan trips accordingly.

Mr. Morse stated the RTCWC performed a 100-percent mail-out survey form at the conclusion of each construction project to every home and business located within the project area. The forms asked the home and business owners to rate the RTCWC and ask for suggestions for future improvements. Mr. Morse said normally only those individuals with complaints responded to such surveys and that a response of 1 to 2 percent was considered a high response rate.

The RTCWC's surveys typically received a 14-percent or better response rate. Mr. Morse said that 97 percent of those people participating in the RTCWC's most current survey indicated they were aware of the RTCWC's projects before construction began; 75 percent felt the access was as good or better than expected and 96 percent reported that the contractor's personnel were courteous. The survey asked approximately 12 questions and had space for suggestions. The RTCWC accepted the survey results and the information it received at its public outreach programs to determine what it could do to be more effective in reaching the public.

Mr. Morse said the RTCWC enacted the provisions of the bill plus many more before the bill was drafted. The RTCWC had two concerns about the bill: that the bill would be seen as a maximum standard and by putting it in legislation, a cause of action for lawsuits and civil actions might be created.

Mr. Morse referred to the first concern and said if the bill were enacted, no additional responsibilities could be requested from a regional transportation commission because the law directed what the regional transportation commissions could and could not do. Mr. Morse said that would be a step backwards.

Mr. Morse said he was concerned that the bill might divert money away from construction projects and improvements and channel that money towards litigation expenses.

Based on Mr. Morse's concerns, he asked the Committee to amend S.B. 322 by making it applicable only in counties whose population exceeded 400,000.

Chair Nolan said for the record:

The Washoe County Regional Transportation Commission meets or exceeds what the bill is requesting. The Washoe County Regional Transportation Commission opposes the bill as it felt the bill sets a floor rather than a ceiling for maximum standards which is not a precedent the Washoe County Regional Transportation Commission wanted set.

Mr. Morse said rather than the word floor, he preferred the term maximum standard as people would say no additional actions other than those contained in the legislation could be required. The RTCWC was willing to spend the extra money as it felt the public benefited.

Judy Stokey, Nevada Power Company (NPC); Sierra Pacific Power Company (SPPC), said both NPC and SPPC currently carried out many of the bill's provisions. Ms. Stokey said she did not see the need for a legislative mandate for the utilities and governmental entities to carry out the bill's provisions. Both NPC and SPPC were active in the utility-conflict-coordinating group which met regularly. Both NPC and SPPC worked on a monthly basis with many of the local governmental entities and other utilities companies to coordinate the construction projects. Ms. Stokey committed the NPC and SPPC to providing both the regional transportation commissions with the information required to make the project-conflict-avoidance software effective.

Debra Jacobsen, Southwest Gas Corporation (SWG), stated that she echoed Ms. Stokey's comments and noted that the comments made by the previous speakers were good. She said while some of the bill's provisions were excellent, they could be implemented without legislation. In response to a question by Chair Nolan, Ms. Jacobsen said section 1, subsection 2, paragraph (a) of the bill concerned her just as it did Mr. Snow. Ms. Jacobsen said she was not sure

what would be required of SWG to comply with that section and how it would affect SWG's working relationship with the NDOT.

Margaret A. McMillan, Sprint, said that she echoed the comments made by Ms. Stokey and Ms. Jacobsen. She added that she did not see a need for the bill and promised to provide both the regional transportation commissions with the information they required to make the project-conflict-avoidance software effective.

Senator Schneider asked Susan Martinovich, Deputy Director, Nevada Department of Transportation, whether there would be costs associated with connecting the NDOT's computer system to the regional transportation commissions' computer systems in order to ensure project coordination among all the concerned entities.

Ms. Martinovich told the Senator the NDOT did not have the software necessary for project coordination and such a purchase would have to be made out of the NDOT's budget. The NDOT would then have to hire staff to monitor the projects as well as staff to operate the software. Senator Schneider said, based on Ms. Martinovich's testimony, an exemption to the legislative deadlines might be granted for S.B. 322.

Chair Nolan said that while the bill had merit, the utility companies were frustrated with certain sections of the bill and how the bill affected them. The Chair noted the bill could not be processed as written and required an amendment. The Committee members would be polled to determine whether or not an amendment was needed or if the bill should be considered at a work session. The amendment could require a greater degree of coordination between the NDOT and the utilities and governmental entities. The amendment would create a fiscal note and trigger an exemption from the legislative deadline. With an exemption, the Committee would have additional time in which to consider the bill and any proposed amendments.

Chair Nolan closed the hearing on S.B. 322 and opened the hearing on S.B. 473.

SENATE BILL 473: Expands authority of governmental entity and agent thereof to use certain equipment to gather evidence for issuance of traffic citation. (BDR 43-1370)

Kimberly McDonald, City of North Las Vegas, addressed the subject of red-light running and the resulting traffic accidents. She said the bill's intent was to provide local law enforcement with the ability to use photo enhancement on red-light cameras. Ms. McDonald said there was an amendment to the bill which referenced the red-light runners receiving a parking ticket instead of a traffic citation ([Exhibit I](#)). Ms. McDonald noted a packet entitled "National Campaign to Stop Red Light Running" had been distributed to the Committee members ([Exhibit J](#), original is on file at the Research Library).

Ms. McDonald referred to [Exhibit I](#) which made running a red light a parking violation instead of a traffic citation. This meant that a driver who ran a red light and received a ticket from a red-light camera would not have any demerits on his or her driving record.

The North Las Vegas Police Department brought the bill forward as it wanted to implement a two-year pilot study to research, analyze and look at the effectiveness of the red-light cameras in preventing traffic accidents. A report detailing the results of the study would be provided to the 2007 Legislature.

Ms. McDonald said the bill's goal was to change the behavior of the red-light runners so that these drivers did not run the red lights at traffic intersections. It would not be a revenue generating mechanism. Ms. McDonald stressed the bill's objective was to reduce the number of accidents at traffic intersections.

Ms. McDonald said traffic-related fatalities had decreased nationally in 2004, while the number of deaths associated with red-light running increased. Fatal accidents involving red-light running increased from 838 incidents in 2002 to 848 in 2003. According to the National Highway Traffic Safety Administration, deaths resulting from the red-light running incidents increased from 921 to 934 during that same time.

Ms. McDonald reported there were approximately 110 cities and towns in 20 states which had red-light cameras in operation. The 20 states were Arizona, California, Colorado, Delaware, Georgia, Illinois, Iowa, Maryland, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia and Washington; it also included the District of Columbia. The red-light camera programs in those states led to a significant decrease in intersection accidents and violations. In some instances, the decrease in injuries was as much as 35 percent.

Ms. McDonald noted there was opposition to the bill; opponents of the bill felt it to be a revenue-generator or Big Brother in nature. She stressed that the bill was a public-safety one. Since the events of September 11, 2001, the country lived in a world of cameras. Ms. McDonald mentioned the fact that there were a number of cameras associated with the security of the Legislative Building.

Before implementation, a governmental entity would have to provide an effective public-education campaign so that the public was not surprised by the red-light cameras or when they received a ticket in the mail. A reasonable courtesy grace period would precede the issuance of tickets.

Ms. McDonald said the municipalities paid for the cost of operating a red-light camera system. Additionally, there were some individuals who claimed people did not intentionally run red lights and the duration of the yellow lights should be extended. Ms. McDonald reported the Texas Transportation Institute conducted a study where it found that while there had been a decrease in unintentional violators through the use of red-light camera systems at traffic intersections, the number of intentional violators increased.

Ms. McDonald told the Committee another study showed the number of rear-end crashes increased once a red-light camera system was implemented in a traffic intersection. The number of rear-end crashes tapered off during the courtesy grace period. Ms. McDonald briefly reviewed other studies conducted by a number of institutions and the results of those studies.

Mark. S. Paresi, Chief of Police, Police Protection and Detention, City of North Las Vegas, stated the driving population in Clark County was extremely aggressive with many drivers failing to stop at yellow traffic signals but increasing their speed when going through traffic intersections.

The National Traffic Safety Institute estimated \$32,000 per year per traffic accident was lost. In the city of North Las Vegas, there had been 87 traffic accidents at one intersection alone during 2004. For a severe injury or death, it was estimated that the loss ranged from \$300,000 to \$500,000 per incident; this figure could escalate depending upon a victim's socioeconomic status. Using the sum of \$300,000, Chief Paresi estimated the cost of the 87 accidents to be approximately \$26 million.

Chief Paresi noted it was unorthodox for law enforcement to not want to make red-light running a criminal violation. Law-enforcement officials in Nevada believed the public needed to be reeducated, that the meaning of yellow lights needed to be reaffirmed, that the driving public needed to have decorum instilled in it and that the driving behavior at traffic intersections required modification.

Chief Paresi noted when a red-light camera system was installed in a traffic intersection, the number of accidents within a mile radius of the intersection decreased.

Chief Paresi said Portland, Oregon, installed red-light cameras at traffic intersections and the cameras worked to reduce accidents. Chief Paresi said Portland attempted to retime the traffic signals to allow for a longer yellow light. The retiming had not been as effective in preventing accidents as the red-light camera system.

Chief Paresi said a photograph of the offending vehicle's rear license plate to which would be attached a ticket would be the means by which a \$100 fine would be issued. The \$100 fine was sufficient to get somebody's attention, but not large enough for people to say North Las Vegas was generating revenue through the use of red-light cameras. The money generated from the tickets issued by the red-light cameras would be used for driver education.

Senator Carlton said she previously told Chief Paresi that she did not like S.B. 473. She told the chief that there were other means to provide driver education to the driving public without the bill. The bill did not enable education, but rather allowed a municipality to gain the financial wherewithal to provide the education.

Chief Paresi said he seriously disagreed with Senator Carlton. He was addressing education and behavior modification. The Chief had been in law enforcement for 32 years and had driven in almost every major city in both Canada and the United States. He said he had never seen a more aggressive or disrespectful group of drivers than those in Clark County. Senator Carlton agreed with him on that point. The Chief said the aggressive driving in Clark County went beyond education and had to include behavior modification.

Senator Carlton said she agreed with the Chief's statements on the driving behavior of Clark County motorists. She stated behavior modification could be accomplished by stationing a black-and-white unit at the problem intersections. When people began receiving traffic tickets for running the red lights, they would learn not to run the red lights. By using a black-and-white unit, the response would be immediate and the motorists would not have to wait two weeks to receive a photograph and ticket in the mail.

Chief Paresi said it would not be cost-effective to post black-and-white units at traffic intersections especially since there were not enough police officers to assign to this type of duty. He added posting a black-and-white unit would not be as effective as the police officer assigned to a particular intersection would catch only one out of five violators. Issuing tickets for red-light running would catch the attention of enough drivers so that the red-light running would decrease.

Chief Paresi said it would be worth the imposition if one life was saved by enacting S.B. 473. The bill would further enhance the ability of law enforcement to address the red-light problems at intersections in a cost-effective manner.

Senator Carlton noted that when a person chose to contest a red-light ticket, it would cost them more than a \$100 in time and money. She stated she was concerned about the bill because in Nevada, drivers, not vehicles, were ticketed; and under the bill, the ticket would be issued to the registered owner of a vehicle. The Senator noted the registered owner of a vehicle was not always the driver of the vehicle. The bill did not provide for driver education.

Chief Paresi said the bill was trying to avoid the intrusive issue which had been raised in the past. Because it was felt that the red-light cameras could be too intrusive, only the rear license plate would be photographed while the driver would not be photographed.

Senator Carlton said without a photograph of the driver, there was no verification of who was driving the vehicle when it was photographed running a red light.

Chief Paresi noted the citation was not criminal so the law did not require verification of the vehicle's driver. He compared the citation to those issued for parking violations. The citation would not affect a person's driving record.

Ms. McDonald presented a video ([Exhibit K](#), original is on file at the Research Library) which profiled red-light running in San Diego, California, and the effects red-light running had on one family.

Ms. McDonald told the Committee there was both national and local support for S.B. 473. She referred to the statements of support contained in [Exhibit J](#) and urged the Committee to pass the bill.

Chair Nolan wanted to know whether a sunset provision should be added to the bill or a requirement to report back to the 2007 Legislature on the effectiveness of the bill. He said it would take longer than 24 months for the program to become fully operational. Chief Paresi said he did not oppose a sunset provision. He added that the Chair's analysis of the implementation time was correct.

The Chief reported that he met with officials from the University of Nevada, Las Vegas, Transportation Research Center (TRC) to discuss the study and the manner in which the intersections would be analyzed. He added he did not wish to impact other jurisdictions which might implement red-light camera systems. Chief Paresi offered to provide the Legislature with progress reports during the interim. He noted the system would not be fully operational in 24 months.

Chair Nolan wanted to know how many intersections in North Las Vegas would be installed with red-light cameras. Chief Paresi replied four, adding those were the four most dangerous intersections in the city.

O. C. White, Traffic Manager, City of Las Vegas, said he supported S.B. 473 with or without amendments.

Dawn Blinder said she supported S.B. 473. She told the Committee that in September 2004, her 7-year-old daughter, Debbie, was killed in an automobile crash in which a woman driving a sport utility vehicle ran a stop sign at Hualapai Way and Desert Inn Drive and struck the Blinders' car. Mrs. Blinder noted stop signs were inappropriate traffic devices for that intersection and a traffic signal had been installed at the intersection on April 8, 2005. She hoped lives would be saved in the future through the installation of the traffic signal.

Mrs. Blinder said a traffic signal was only as good as the people who used it and many drivers ran red lights daily. Additionally, drivers who had the right-of-way

at green lights often had to wait for the people who were running the red lights to cross the intersection before they could proceed.

Mrs. Blinder told the Committee, after experiencing this tragedy, her family did not feel safe crossing intersections even though they had the right-of-way. She explained when drivers ran red lights and were not ticketed, they were getting away with committing a traffic offense. Such drivers would continue to repeat the offense until caught. Without consequences, the offending behavior would not change. Mrs. Blinder told the Committee that she knew first-hand the devastation careless driving caused and that she lived with the knowledge daily.

Mrs. Blinder stated that people behaved differently when they knew they were being watched. With the red-light cameras, drivers would be aware of the consequences for running red lights. She stressed that drivers needed to be held accountable and responsible for their actions when driving. The red-light cameras would hold the drivers accountable and responsible.

Mrs. Blinder stated the Committee would condone red-light running if the members failed to support S.B. 473. She continued by saying driver behavior in Nevada was appalling and with the out-of-control population growth, something had to be done to change and improve driver behavior. Red-light cameras would be a first step towards changing and improving driver behavior.

Senator Carlton stated no one present should interpret her opposition to the bill as her approval of the practice of red-light running. The Senator stated she did not feel the matter needed to be addressed by red-light cameras. She noted police officers could be located in the four intersections proposed to be the test sites for red-light cameras in North Las Vegas. More police officers were needed on the street in order to protect the public.

Senator Carlton stated she was also concerned with the bifurcation of fines. People receiving tickets from the red-light cameras would be treated differently than individuals who ran red lights and were ticketed by a police officer. The Senator noted the issue was complex. She said she understood Mrs. Blinder's feelings on the subject and added her heart would be broken if she had experienced a tragedy similar to the one experienced by Mrs. Blinder's family.

Senator Carlton reiterated that her opposition to the bill was not to be interpreted as her approving the practice of red-light running. The Senator said

more than one approach to solving the problem had to be used if the behavior of red-light runners were to be addressed. Senator Carlton thanked Mrs. Blinder for appearing before the Committee and sharing her story and opinions with the Committee.

Mrs. Blinder said she hoped the bill's authority would not be limited to the city of North Las Vegas. As the bill did not specifically mention North Las Vegas, she stated she thought the discussion concerned more than the four test intersections in North Las Vegas.

Mrs. Blinder said as an educator she knew people learned from experience. A person would learn to not run red lights when he or she received a traffic ticket for running a red light. It would not matter whether the ticket was issued by a red-light camera or a police officer.

Chair Nolan thanked Mrs. Blinder for her testimony and said the Committee appreciated her activism.

Ms. Martinovich said the NDOT supported S.B. 473. Ms. Martinovich said the American Association of State Highway Transportation Officials supported the bill in addition to the national agencies mentioned by Ms. McDonald.

Ms. Martinovich said drivers in Nevada might be frustrated by the long cycle times for traffic signals. When the yellow-light cycle time was extended, so was the frustration level. Ms. Martinovich stated the NDOT noticed drivers were hesitating to cross intersections even when they had the right-of-way with a green light. The reason for this was that the drivers were waiting for the red-light runners to clear the intersection before proceeding. In some intersections, there were so many red-light runners that the drivers with the right-of-way on a green light did not have sufficient time to cross the intersection in a safe manner.

Ms. Martinovich said the NDOT realized the bill was a big step for Nevada. The NDOT was working with a number of groups to create a statewide safety plan. She added that since the State talked about safety, it should act on safety.

George Togliatti, Director, Department of Public Safety, said he supported S.B. 473. He commended Chief Paresi for offering the red-light-camera pilot program.

Frank Adams, Nevada Sheriffs' and Chiefs' Association (Association), said the members of the Association supported the bill. The agencies included the Las Vegas Metropolitan Police Department, the Reno Police Department, the Elko County Sheriff's Office and the Carson City Sheriff's Office.

Maggie Saunders, Coordinator, Alternative Mode Program, Transportation Research Center, University of Nevada, Las Vegas, said she was confused by the way the bill read. She said she thought the red-light-running-cameras could be used statewide, not just in North Las Vegas.

Chair Nolan referred Ms. Saunders to the amendment contained in [Exhibit I](#), which provided for the implementation of red-light cameras on a statewide basis.

Ms. Saunders read from prepared text ([Exhibit L](#)).

Senator Carlton reiterated her concerns that people receiving tickets for red-light running would be treated differently depending upon the manner in which they had been ticketed. Tickets issued by a police officer would be considered a moving violation while those tickets issued by the red-light camera system would be considered a parking violation.

Patrick Guinan, Committee Policy Analyst, told the Senator that the bill, as written, did not address changes made to violations by someone who ran a red light and was pulled over by a police officer. He stressed he was not an attorney but said he thought the bill only addressed camera violations and would not change the penalties associated with a person being cited by a police officer. Senator Carlton stated, under the bill, people would be treated differently depending on which type of citation they received.

Chief Paresi said there would not be a police presence at the intersections where the red-light cameras were located, which was the reason the pilot program had been requested. Police officers would be deployed to other traffic incidents in the neighborhoods of North Las Vegas.

Senator Horsford said Chief Paresi's comments troubled him. He stated that people needed to be treated the same for the same offense no matter the method used to issue a ticket.

The Senator said he did not think the difference would be upheld in a court of law if someone decided to sue. Senator Horsford reiterated that two different people could not be treated differently for the same offense.

Chief Paresi said Senator Horsford was correct and that he understood the Senator's comments. He added he did not ask for additional intersections to be included in the pilot program due to feasibility problems. Chief Paresi told the Senator he understood he was walking a fine line with the bill and added he originally advocated criminal sanctions in the bill. The Chief had been told that the bill would not survive the legislative process if criminal sanctions were included in it. A compromise had been reached in order to modify red-light runners' behavior.

Through the use of cameras, Chief Paresi said the accident rates would be reduced, traffic would flow more smoothly, pedestrians would be safer and the red-lights cameras were a proven tactic. He asked for permission to deploy it.

Senator Amodei said the issue for the Committee was to determine whether or not the different treatment created a constitutional problem. There were resources available through the Legislative Counsel Bureau who could assist in making that determination. If the different treatment did not create a constitutional problem, then the issue before the Committee would be to authorize a pilot program in which everybody was treated identically. The question before the Committee was if the red-light cameras would significantly decrease accidents at the intersections where they were installed. The proponents of the bill testified that the red-light cameras would reduce accidents.

Senator Amodei repeated that the Committee should review the bill with the Legal Division of the Legislative Counsel Bureau. If there were no constitutional problems with the bill, the Committee members could vote on it. If there were constitutional problems, Senator Amodei proposed amending the bill by making the sanctions identical no matter how the ticket was issued. The pilot program could then be conducted in accordance with the bill's provisions.

Senator Horsford said he was prepared to vote on the bill if the Committee accepted Senator Amodei's proposed amendment. He added that it was not right to treat two people differently for the same offense even if constitutionally permitted.

Chair Nolan said the City of North Las Vegas committed itself to a two-year study on the pilot program from the point of implementation. He noted other municipalities had not been involved in the pilot program and might have red-light camera programs implemented sooner than North Las Vegas.

Chair Nolan told Chief Paresi that based upon the testimony received, it was a foregone conclusion that the accident and fatality rate would be reduced at those intersections where red-light camera systems were installed. He thanked the Chief for volunteering to provide updates to the Legislature on the success of the pilot program in North Las Vegas. Chief Paresi was not required to do so due to the lack of a sunset provision in the bill. The city of North Las Vegas would be the study city of record. Chair Nolan stated Chief Paresi's verbal commitment to provide the updates would be included in the record. The Chief's commitment would be included in the floor statement on the bill and considered to be legislative intent.

Vice Chair Heck said he understood the City of North Las Vegas's commitment, but noted the bill allowed any Nevada municipality to operate red-light cameras without first conducting a pilot program. The Vice Chair said he would be more comfortable with the bill if it included the phrase, "... any such governmental agency needs to report back to the Legislature using the same timeline used by the City of North Las Vegas." Vice Chair Heck noted the participation in the study of all municipalities using the red-light cameras would provide a better study from a statistical standpoint.

Chair Nolan suggested amending the bill by requiring the NDOT to coordinate all studies relative to the red-light-camera programs in different Nevada municipalities. The NDOT would establish the study criteria, keeping in mind the need for simplicity and limited financial resources available. The NDOT would then report to the 2007 Legislature.

Ms. Martinovich agreed with the Chair's proposed amendment designating the NDOT as the coordinator of all red-light-camera studies in Nevada.

Chair Nolan said his proposal would be included in the amendments to S.B. 473 based on Ms. Martinovich's agreement.

Senator Carlton stated she understood Senator Horsford wanting to treat all red-light offenders the same. For the record, Senator Carlton said:

I think we all need to be aware of ... this will now turn into a moving violation; there will be points associated with it. Those points will go to the registered owner of the vehicle who may not be in the vehicle when it was photographed running a red light. I think we have just made a bad situation worse. Because I have my name on four titles to four different cars, I could possibly, depending on what my two daughters do in North Las Vegas, end up with multiple points on my driver's license for what happens with their driving behavior. We need to keep that in mind. It is probably better on my insurance than on their insurance. I might be able to talk myself out of that. I have not heard any way in this of how I could appeal this, whether it's going to be through the normal manner or not. I am sure it would be through the normal process, but then, since we are not taking a front photograph any longer, we have made it worse, in my opinion. Mr. Chair, I am not going to slow the process down anymore. I know you have someone ready to make a motion. I wanted to make sure my objections were on the record.

Chief Paresi said Senator Carlton raised a valid point. By raising a ticket issued by a red-light camera to a criminal violation, the law-enforcement agencies needed to be able to identify the driver of any vehicle ticketed by a red-light camera. Significant issues would be created for individuals whose children, spouses or friends were driving their vehicles; these issues could impact an individual's livelihood. The entire dynamic of the bill had been changed to require a photograph be taken of the violator in order to properly ticket the person.

Chair Nolan said he wanted the Committee to reach a consensus on the bill and let the Assembly work out the amendments to the bill. The Chair noted he did not like sending unfinished pieces of legislation to the other House for completion. Chair Nolan said he had received overwhelming support on the bill. He stated he thought it would save lives and reduce accidents.

SENATOR AMODEI MOVED TO AMEND AND DO PASS S.B. 473 BY INCLUDING A JUNE 10, 2007, SUNSET CLAUSE; INCLUDE LANGUAGE THAT ANY ENTITY AVAILING ITSELF OF THE ABILITY TO USE A RED-LIGHT CAMERA SYSTEM TO REPORT AS A RESULT OF USING THAT EQUIPMENT AND TECHNOLOGY TO THE NEVADA DEPARTMENT OF TRANSPORTATION; TO REQUIRE A REPORT ON THE SAFETY ASPECTS OF THOSE JURISDICTIONS ELECTING TO USE VIDEO EQUIPMENT OR TECHNOLOGY AT INTERSECTIONS FOR TRAFFIC-SAFETY PURPOSES; REQUIRE THE NEVADA DEPARTMENT OF TRANSPORTATION TO PROVIDE THAT REPORT TO THE LEGISLATURE NO LATER THAN APRIL 1, 2007; THE CITATIONS ISSUED BY THE PARTICIPATING JURISDICTIONS ELECTING TO UTILIZE VIDEO EQUIPMENT OR TECHNOLOGY BE THE SAME CITATIONS WITH THE SAME RAMIFICATIONS AS THOSE CITATIONS ISSUED BY LAW ENFORCEMENT PERSONNEL; THAT THE PROCEDURES USED TO ISSUE THOSE CITATIONS BE APPROPRIATE FOR THE REQUIREMENTS OF THE JUSTICE AND MUNICIPAL COURTS OF THE STATE WHERE TRAFFIC OFFENSES ARE TRIED; THE EFFECTIVE DATE OF THE BILL WOULD BE UPON PASSAGE AND APPROVAL.

SENATOR HORSFORD SECONDED THE MOTION.

Senator Horsford said the equipment used would have the ability to photograph both the rear license plate of a vehicle and its driver.

Chief Paresi told the Senator, "Yes." Senator Horsford said the motion, based on the amendments, needed to include that intent. He stated he wanted that clearly understood. The Chief said a law-enforcement officer needed probable cause to issue traffic citations. To establish probable cause, the identity of the driver had to be established which meant law enforcement would have to photograph the driver of any vehicle issued a citation for red-light running.

For the record, Senator Horsford said:

We are doing this for the interests of public safety. I do not like being searched at the airports but that is the society we live in, and we are living in this type of environment. If this is what is going to save lives, if this is what is going to cause people to take public safety more seriously, that is why I am supporting the bill, not

because I want to create big government looking into people's private lives. That is the reason I am supporting the bill. I hope that in this pilot phase, if the information proves, as you all indicated and other jurisdictions have proven, then this will save lives. And that is the intent of why I am supporting the bill.

Vice Chair Heck clarified with Ms. McDonald the fact that she wanted to withdraw section 2 of her amendment in [Exhibit I](#), but retain section 3.

Senator Amodei said he had no objection to Ms. McDonald withdrawing section 2 of her amendment as long as the balance of the amendment was in keeping with law-enforcement's objectives. He said he wanted it understood that the bill would not repeal those citations issued for speeding or for other traffic law-enforcement purpose and that there was probable cause to issue a traffic citation using a red-light camera system. When the driver of a vehicle who ran a red light could not be identified, then there was no probable cause and a citation could not be issued.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO. SENATORS SCHNEIDER AND WASHINGTON WERE ABSENT FOR THE VOTE.

Chair Nolan closed the hearing on S.B. 473 and opened the hearing on S.B. 474.

SENATE BILL 474: Prohibits Department of Motor Vehicles under certain circumstances from renewing registration of motor vehicle if court has filed notice of nonpayment of certain outstanding criminal fines and fees with Department. (BDR 43-219)

David Hayward, Court Administrator, Municipal Court, City of Henderson, presented a copy of a proposed amendment to S.B. 474 ([Exhibit M](#)). Mr. Hayward said he thought it would be more straightforward to tie the new process into the existing process of sending a notice of nonpayment for parking violations. The *Nevada Revised Statutes* 482.2807 and 482.2805 would be amended by tying them into the provisions of the NRS 176.064. Chair Nolan asked Mr. Hayward to address those NRS sections.

Mr. Hayward replied his flow sheets addressed those statutory sections ([Exhibit N](#)). For the Committee's benefit, he referred to the following statutes: NRS 484.444 which authorized local authorities to file notice of nonpayment with the DMV when a registered owner of a motor vehicle failed to pay certain penalties, fines or other charges; the NRS 482.2805 which detailed the requirements for vehicle registration when local government filed notice of nonpayment pursuant to the NRS 482.444; the NRS 176.064 which outlined the collection fee for unpaid administrative assessment, fine, fee or restitution and the NRS 482.2807 which outlined the requirements for registration when local government filed notice of nonpayment pursuant to the NRS 484.444. Those were the statutes represented in [Exhibit N](#).

The *Nevada Revised Statute* 176.064 had been amended so that only the vehicle involved in the traffic violation would be subject to the nonrenewal process. Further, Mr. Hayward wanted the wording, "Upon suspension of a motor vehicle registration, the defendant may petition the court for relief from the suspension based upon a showing of undue hardship ... " included in the proposed amendment of S.B. 474 under section 2, subsection 3, paragraph (a) as indicated in [Exhibit M](#).

Mr. Hayward referred to his presentation titled, Motor Vehicle Registration and Unpaid Court Fines ([Exhibit O](#)) which detailed the other states with similar programs in operation. He noted Nevada already used the program for parking violations. Mr. Hayward reported there were four other states interested in the outcome of S.B. 474.

Mr. Hayward shared his key points with the Committee members. Those points were: tying the bill to the existing parking process would be more straightforward than creating a new section in the NRS 484; the bill impacted only the vehicle which had been driven when the citation was issued; the bill only impacted those defendants who chose not to appear or chose not to complete their sentencing conditions; defendants would have knowledge of the hold on their vehicle registration before the registration was renewed; if the hold created an undue hardship, the defendant could petition the court for relief from the hold; passing the bill would provide Nevada's courts with a powerful enforcement tool in the future which should close thousands of cases and generate significant revenue for the State and finally, courts would have the option of using the nonrenewal process once their case-management systems were fully automated.

Ronald Titus, Court Administrator and Director of the Administrative Office of the Courts, Office of Court Administration, Nevada Supreme Court, stated S.B. 474 would give the courts another tool to enforce the requirements of the law for those individuals found guilty of misdemeanor violations. It would allow the courts to place a hold on the registration of a vehicle owned by an individual who received a misdemeanor traffic violation and did not pay the fine. Individuals would be notified that their vehicle registration would be held by the DMV until such time as they complied with the provisions of the law. The bill required electronic reporting to the DMV, much like the process in place for the nonpayment of parking tickets. Mr. Titus said he supported the bill.

Senator Carlton asked whether or not the Committee had considered similar legislation in past Legislative Sessions. Mr. Titus replied, "Yes." She said she was concerned that the driver of a ticketed vehicle would not necessarily be the vehicle's registered owner and wanted to know if the registered owner of the vehicle would be held responsible for the ticket. Both Mr. Hayward and Mr. Titus replied, "Yes."

Mr. Hayward added there was a process by which a citation could be appealed. He noted that prior to the citation being converted by the DMV to a hold on the registration for nonpayment, a warrant would be issued. Additionally, the driver of the vehicle would receive several notices prior to a hold being placed on a vehicle's registration. The Senator said there could be a problem with that procedure if a teenage driver did not share the notices with his or her parents.

Senator Carlton said she was also concerned with the expense associated with the fines for some of the tickets issued. She wanted to know whether it was possible to work off a fine with community service. Mr. Hayward replied, "Yes," adding there were different payment options available. He noted people usually elected to participate in the process. Senator Carlton said if one of her daughters received a ticket and did not pay it, she, as the vehicle's legal owner, would be the one penalized. Mr. Hayward told her she could seek relief through the court and thanked the Senator for her comments.

Virginia (Ginny) Lewis, Director, Department of Motor Vehicles, said she worked with Mr. Hayward on his proposed amendment to ensure the process was simplified and that there was no fiscal impact to the DMV. She said she supported the bill as currently written.

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 474 USING THE AMENDMENT PRESENTED BY MR. HAYWARD.

SENATOR AMODEI SECONDED THE MOTION.

For Senator Schneider's benefit, Mr. Titus summarized the testimony received on the bill. Senator Schneider wanted to know whether or not a vehicle's registration would be cancelled. Mr. Titus told him the registration would be placed on hold, not cancelled. Ms. Lewis added the registration would not be reinstated until the obligation to the court had been fulfilled. The registration would be red flagged until DMV received notice from the appropriate court to remove the red flag. A red flag prevented the DMV from taking any further action on a registration until the registered owner took the appropriate corrective action.

Senator Horsford said he understood the bill's intent. He was concerned with the following issues: the courts' latitude to send people to collection agencies and to do what was necessary to have people pay their fines plus he had not heard an explanation as to the overall need for the bill. Testimony had not been presented which detailed other courses of action available to the courts when attempting to collect fines.

Senator Horsford stated he felt the bill was a hardship even though it contained provisions for relief. The bill would create a bureaucratic maze for people and he opposed the bill for those reasons.

Senator Amodei said he served on the Legislative Commission's Audit Subcommittee during the interim. At that time, the Audit Subcommittee criticized the courts for failing to collect the fines due them. He said there were huge outstanding balances which had not been collected by the courts, primarily the justice and municipal courts. The Legislative Auditors of the Audit Division, LCB, recommended that the courts do a better job of collecting the unpaid fines. The Senator added the bill should be considered a tool for the courts.

Mr. Titus said Senator Amodei's comments were correct and that the bill was a tool for the courts and would be used as a last resort.

Senator Horsford said he worked in employment and training. One of the biggest barriers people faced in getting to work was transportation. He said he

thought the Committee needed to use common sense when considering the bill. The Senator said he understood the courts needed tools and that the courts may not have been able to collect all outstanding fines. However, the courts now had the ability to collect all outstanding fines and that process should be improved, if needed. Senator Horsford said a hardship was created when people had to pay fines and then their transportation was taken away from them by canceling their registration. For those reasons, the Senator would not support the bill.

Chair Nolan said he did not know Senator Washington's feelings on the bill. The Committee would vote on the bill. If the motion failed, the matter would be discussed with Senator Washington and the Committee would take another vote on the bill at the bar on the Senate floor.

THE MOTION FAILED. (SENATORS CARLTON, HORSFORD AND SCHNEIDER VOTED NO. SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

Chair Nolan closed the hearing on S.B. 474 and opened the work session on S.B. 245.

SENATE BILL 245: Establishes provisions concerning hours of service for intrastate drivers. (BDR 58-80)

Patrick Guinan, Committee Policy Analyst, referred to tab E of the work session document dated April 12, 2005, ([Exhibit P](#), original is on file at the Research Library) and provided background information on the bill, including an overview of the testimony received at past Committee hearings.

Steve D. Hill, Silver State Materials Corporation; Southern Nevada Concrete and Aggregates Association, proposed the amendments contained in tab E of [Exhibit P](#). Senator Warren B. Hardy, II, agreed with Mr. Hill's proposed amendments.

Senator Warren B. Hardy, II, Clark County Senatorial District No. 12, explained the proposed amendments for the Commission's benefit. He noted the Nevada Highway Patrol (NHP), Department of Public Safety expressed concern with the

bill as written during earlier Committee hearings on the matter. As the bill's requirements were not as stringent as federal regulations, they might jeopardize federal funding to Nevada. Research had been conducted as to the requirements in other states and the amendment was based on that research.

Senator Hardy reviewed the other provisions of the amendment for the Committee's benefit. He asked that section 9, subsection 1, paragraph (c) and section 10 be deleted from the bill due to inconsistencies with existing federal language in the wording. The Senator noted he would continue to work to find language which would satisfy federal requirements. He thought the balance of the bill had been drafted according to federal guidelines.

Senator Hardy stated he assured the NHP that any provision of the bill which jeopardized federal funding would be addressed by the Legislature or the bill would be withdrawn in its entirety in the Assembly.

William Bainter, Lieutenant, Nevada Highway Patrol, Department of Public Safety, said he concurred with Senator Hardy. He added he was concerned that commercial motor vehicles in excess of 26,000 pounds would fall within the parameters of the variance in 49 C.F.R 350.105. Chair Nolan instructed Lt. Bainter to confirm whether or not such vehicles were within the variance. If so, it could be addressed during floor discussion on the bill. All amendments would be made through Senator Hardy.

Senator Carlton said she was concerned with section 8, subsection 2 of the bill. She read the provision as meaning a driver could be scheduled to work again as long as he or she was given 24 hours off. Senator Carlton had concerns about the safety aspect of that provision.

Mr. Hill said that provision was a restatement of current federal law and he had asked that it be restated in the NRS. If the provision were removed, it would be replaced with the federal law. Neither the provision nor the federal law would change anything.

VICE CHAIR HECK MOVED TO AMEND AND DO PASS S.B. 245 USING THE AMENDMENTS PROVIDED IN TAB E OF EXHIBIT P AND BY DELETING SECTION 9, SUBSECTION 1, PARAGRAPH (C) AND SECTION 10.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

* * * * *

Chair Nolan closed the work session on S.B. 245 and opened the work session on S.B. 115.

SENATE BILL 115: Authorizes governing bodies of local governments and advisory bodies to such governing bodies to hold closed meetings concerning matters relating to security and terrorism in certain circumstances. (BDR 19-601)

Mr. Guinan referred to tab A, Exhibit P, which contained suggested amendments to the bill. Those amendments had been suggested by the Committee, Richard Siegel, American Civil Liberties Union (ACLU) and Kent Lauer, Nevada Press Association (NPA). Mr. Guinan reviewed the proposed amendments for the Committee's benefit. One point of discussion had been the review of sensitive materials prior to a meeting. Those materials would be reviewed prior to a meeting but it was not certain whether the Office of the Attorney General (OAG) or a court of law would review the materials.

Senator Horsford said part of the reason there were concerns about the OAG's office reviewing the material was the potential conflict which might arise from the OAG representing a board or commission after reviewing the materials.

Mr. Guinan said he thought the Senator was correct and added some governmental entities would not be represented by the OAG as they were local governmental entities.

Senator Horsford wanted to know where the 30-day turnaround originated. Mr. Guinan said he inserted the 30-day turnaround in the bill in order to render quick decisions. He added the Committee could modify that turnaround time as it felt appropriate.

Senator Horsford said he agreed with the amendments. He said if the decision making was to be left to the OAG and not a court of competent jurisdiction, he wanted the 30-day turnaround reduced.

Senator Amodei said he did not think the OAG should be the body making decisions on the 30-day turnaround as it would also be the body which represented the State in any litigation connected with the bill. He said he would agree with having a court of competent jurisdiction make any decision relating to a 30-day turnaround.

Chair Nolan said he thought neither the ACLU nor the NPA had a preference for which body adjudicated the 30-day turnaround just so long as it was adjudicated. The Chair said, based on Senator Horsford's and Senator Amodei's comments, the section could be amended to read, "...upon the lawful order of a court of competent jurisdiction." The language was used in section 12 of A.B. 233 as originally proposed. Mr. Guinan read that section for the Committee's benefit.

Chair Nolan suggested the Committee process the amendments as written. The motion would include references to the amendments submitted by Mr. Lauer and Mr. Siegel contained in tab A of [Exhibit P](#). Mr. Guinan read Mr. Lauer's proposed amendment which was contained in [Exhibit P](#).

Chair Nolan told the Committee lines 11-14 on page 2 of the bill would be deleted as would the wraparound provision which addressed the two-thirds majority vote if it followed Mr. Lauer's proposed amendment. Mr. Guinan said he did not think Mr. Lauer had seen that provision and the result was not something Mr. Lauer wanted deleted. Chair Nolan said the amendment would still give the municipalities the tools they needed.

Senator Carlton asked for clarification on the term "public infrastructure" and wanted to know whether a private property would fall under the protections of the bill. Chair Nolan said the definition of public structure would be defined in the bill and it did not necessarily mean that it was a government structure but rather those facilities which were available to the public. He said the definition would be similar in nature to public services.

Senator Carlton said if all services and buildings were included in the bill, why was limiting language which employed the word public used in the bill. She

added there could be a private tram or railway system which fell under the bill's provisions. The Senator stressed she wanted to make sure that by adding the word public, the Committee was not causing confusion.

Chair Nolan said he thought the word was added to conform to existing language in the original bill. He said the Committee would vote on the bill and then request a legal opinion from the Legal Division of the Legislative Counsel Bureau. The Chair noted the Committee had the option of reconsidering the bill.

For Senator Horsford's benefit, Chair Nolan explained the Committee discussion on the amendments to S.B. 115.

SENATOR CARLTON MOVED TO AMEND AND DO PASS S.B. 115 USING THE AMENDMENTS PROVIDED IN TAB A OF [EXHIBIT P](#).

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

* * * * *

Chair Nolan closed the work session on S.B. 115 and opened the work session on S.B. 124.

[SENATE BILL 124](#): Provides for imposition of administrative assessment for certain traffic violations to be used to support emergency medical services and services for treatment of trauma. (BDR 43-887)

For the Committee's benefit, Mr. Guinan reviewed the proposed amendment to the bill (tab B of [Exhibit P](#)), and the testimony received by the Committee at an earlier meeting.

Vice Chair Heck said he used the language in the NRS 484.3791 which imposed additional penalties for people charged with driving under the influence of intoxicating liquor or controlled or prohibited substances. There was concern that the application of the additional penalty imposed on a driver who left the scene of a motor-vehicle accident would not pass constitutional scrutiny. Based on that concern, the bill was narrowed to provide additional penalties for those

drivers who left the scene of an accident and for which emergency medical services (EMS) had to be dispatched to the accident scene. The second page of tab B of [Exhibit P](#) defined traffic violation.

Section 1, subsection 1 of the bill had been amended to reflect the imposition of a \$25 penalty. The Vice Chair explained that based on Senator's Carlton's concerns, there would be no multiple assessments imposed. There would be a one-time assessment for each motor vehicle collision to which EMS had to be dispatched. This assessment would not depend on the number of other citations received by the driver who was cited as being at fault in the accident.

Senator Carlton wanted to know whether the penalty would be issued to each vehicle involved in the accident or only to the ticketed driver of the vehicle. Vice Chair Heck told her the penalty would only be assessed on the driver who was cited as being at fault in the accident.

Vice Chair Heck said in the fairness of disclosure, the courts were still not happy with the bill as they felt they did not want to be responsible for collecting additional fines and then dispersing those fines to other agencies. The Vice Chair said he found that ironic in light of the testimony the Committee received earlier on S.B. 474. Vice Chair Heck noted that he had promised Mr. Titus he would inform the Committee that the courts were not happy being placed in the position of a collection agency.

SENATOR AMODEI MOVED TO AMEND AND DO PASS S.B. 124 USING THE AMENDMENT CONTAINED IN TAB B OF [EXHIBIT P](#).

VICE CHAIR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND HORSFORD VOTED NO. SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

Chair Nolan closed the work session on S.B. 124 and opened the work session on S.B. 151.

SENATE BILL 151: Revises provisions governing wearing of protective headgear on motorcycles. (BDR 43-180)

Mr. Guinan said no amendments had been offered for S.B. 151.

For the record, Chair Nolan said:

The repeal of Nevada's motorcycle helmet law would be a significant deviation from state law and would have a significant social impact on Nevada. There is no denying the fact that motorcycle helmets save lives. The testimony and evidence received both in Nevada and other states that the helmets saved lives was overwhelming. At one point during my 15-year career as a paramedic and a coroner investigator, I was sitting at an intersection and watched a motorcyclist go through the back window of a Gremlin. When we approached the car, we saw that the motorcyclist, who was wearing a helmet, ended up through the front window of the car. It happened right in front of me. We transported him to the hospital alive. The only thing that saved his life was the helmet. I can tell you from personally seeing that type of trauma again and again and again first-hand that we know helmets save lives.

In my opinion, we are back to a public policy perspective of whether or not we as a Legislature feel that mandating the wearing of helmets, that we are actually imposing our will against the private rights of other individuals. If we do, like the government does so many times, is it warranted? I would just submit that one of our duties as a Legislature and that we are sworn to uphold both in the State Constitution and the U.S. Constitution is the protection and safety of the citizens of this State. Yes, sometimes it means that we protect them against themselves.

I would just like to put on the record that if this bill passes, for here and into perpetuity, we will have people lined up here, maybe even some of the same people who were here trying to get us to pass this bill, next time, they will be testifying in wheelchairs. We will have paraplegics and quadriplegics lined up in front of us. With that, I am adamantly opposed to this bill.

Senator Horsford said Senator Beers proposed an amendment to S.B. 151 and had forwarded a copy of the amendment to Senator Horsford.

For the record, Mr. Guinan said:

The amendment was never forwarded to me. No one from Senator Beer's office contacted me. That is why I said there are no amendments. If we need to entertain an amendment, I will contact the Senator and find out what he wants to do.

Chair Nolan said he thought that there had been enough discussion on the bill and that people had made known their feelings on the bill. He asked whether there was additional discussion on the bill.

Senator Horsford said the amendment proposed by Senator Beers required an applicant for a motorcycle driver's license issued after 1994 to take a comprehensive course of instruction. Testimony received by the Committee indicated the course of instruction saved more lives than motorcycle helmets. He stated that provision should be included in the bill if the Committee wanted to save lives.

For the record, Senator Horsford said:

I think that more lives could be saved by a course and that was the testimony of expert witnesses. I fully appreciate, Mr. Chair, the work you were involved in and being able to witness first-hand accidents involving motorcyclists. People have freedom of choice and if they want to go out and break a law, they can do that. I think if we educated them on how to operate a motorcycle in addition to the safety aspect of wearing a helmet, we could actually save more lives.

Chair Nolan thanked the Senator for his comments, adding he had spoken with Senator Beers who made no mention of any proposed amendments to the bill.

Senator Carlton said she agree with Chair Nolan on the bill.

SENATOR CARLTON MOVED TO TAKE NO FURTHER ACTION ON
S.B. 151.

For the benefit of Senator Beers, the Chair explained the Committee's discussion on the bill and the motion.

THE MOTION FAILED FOR LACK OF A SECOND.

* * * * *

Senator Bob Beers, Clark County Senatorial District No. 6, said he and Senator Horsford had been working on an amendment. He said he was not satisfied with the proposed amendment and had not yet received a redrafted version of the amendment. The proposed amendment added into the bill a provision similar to the hunting and safety program implemented 40 years ago in Nevada and the boating safety program implemented 3 years ago in Nevada. This provision required the motorcycle-training safety course for all motorcyclists born on or before January 1, 1984.

Senator Beers stated the January 1, 1984, date would pick up the 21-year-olds this year, the 22-year-olds in 2006 and by 2050 the date would have picked up all motorcyclists in Nevada. This provision made motorcycle-safety training mandatory by phasing it in year by year. A motorcyclist could ride without his or her helmet, by attending the course, by being 21 years of age or older and by having a years' experience riding a motorcycle. Senator Beers said that more lives might be saved through education than through the wearing of motorcycle helmets.

For the record, Senator Amodei said:

I would suggest that it is a fairly contentious issue and I do not presume to know where the votes are. But, I think we ought to, at least out of respect for our colleague, have a full Committee when we vote it. I do not think it needs much more discussion. I think everybody on the Committee knows where they are. But, I think seven members present would be an appropriate way to handle it as opposed to one person short. I do not know where Senator Washington is on it. Maybe, it is even something you want to do at the bar. I do not know if you want to do it at the bar or do it Thursday. It has been discussed and kicked around since 1997 when I was on the Transportation Committee in the Assembly with you. I am not sure it needs much time. But, to the extent we are missing a Committee member who, I am sure, has thoughts on it, that we ought to at least have a full Committee in my view, but, that is your discretion, Mr. Chair.

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Chair Nolan said he did not plan to take further action or motions on S.B. 151.

Chair Nolan closed the work session on S.B. 151 and opened the work session on S.B. 161.

SENATE BILL 161: Creates Nevada War on Terrorism Medal. (BDR 36-705)

SENATOR AMODEI MOVED TO AMEND AND DO PASS S.B. 161 PER THE AMENDMENT CONTAINED IN TAB C OF EXHIBIT P.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

Chair Nolan closed the work session on S.B. 161 and opened the work session on S.B. 215.

SENATE BILL 215: Provides for issuance of special license plates for support of protection and enrichment of natural environment of Red Rock Canyon. (BDR 43-1285)

Mr. Guinan reviewed the testimony that the Committee received regarding the bill. He added no amendments to the bill had been received. Chair Nolan stated another license plate bill, S.B. 290, had been considered by the Committee.

SENATE BILL 290: Removes limitation on issuance of special license plates commemorating 100th anniversary of founding of Las Vegas. (BDR 43-223)

Chair Nolan noted that the discussion of license plates was time-consuming. He noted requests for other special license plates had been channeled to the Commission on Special License Plates (Commission) which had been created per the NRS 482.367004 and which had been organized to hear such requests.

Chair Nolan said one of the amendments to S.B. 290 would be to remove the Legislature from the consideration of special license plates. All requests for

special license plates would have to be considered and acted on by the Commission.

Senator Carlton pointed out that a Legislator could not be stopped from proposing legislation. The Chair said the amendment would say, "... all consideration on a license plate has to go through the Commission." He added the Commission could refer to the Legislature those license plates which had been submitted to the Commission for consideration. The Commission would make recommendations to the Legislature as to what course of action should be taken with a special license-plate design.

Senator Carlton said she understood what the Chair wanted to accomplish with his proposed amendment. She added she did not think there was any way to prohibit a Legislator from bringing a bill to the Legislature. Senator Carlton said a better message from the Committee would be if it did not take action on a license-plate bill which had not been submitted to the Commission when directed to do so by the Committee.

Due to lack of a motion, the Committee took no further action on S.B. 215. The sponsor of the bill would be advised to submit the bill to the Commission for consideration by that body. Chair Nolan closed the work session on S.B. 215 and opened the work session on S.B. 243.

SENATE BILL 243: Revises provisions governing operation of taxicabs in certain counties. (BDR 58-919)

Mr. Guinan read the amendments to the bill contained in tab D of [Exhibit P](#). He also read two memorandums contained in tab D of [Exhibit P](#) from the Taxicab Authority (TA) which detailed the difference between a new taxicab and a used taxicab.

Chair Nolan said it sounded as though the TA opposed the bill. Mr. Guinan said the TA was opposed to the amendment and read the last line of an e-mail he received from the TA's Administrator, Yvette G. Moore, "... we will adjust inspection procedures to support any decision made."

Ms. Moore also provided Mr. Guinan with a breakdown of medallion fees versus trip charges. That information was also contained in tab D, [Exhibit P](#), and had been submitted in response to another amendment. Chair Nolan said, based on

Ms. Moore's information, the TA would generate \$1.2 million in revenue. Mr. Guinan stated if the second amendment were approved, the \$100 medallion fee would be struck from the bill and the actual revenue generated by the medallion fee in fiscal year 2003–2004 would be \$226,860. During that same time frame, the revenue for the trip charges at 20 cents a trip would be \$4,956,000; the same revenue at 15 cents a trip would be \$3.7 million

Senator Carlton said the discussion on the bill had been confusing due to the topics raised which included the model year of taxicabs not being the same as the actual year. The bill included a time period for the taxicab to be in service and guarantee it would not get pulled from service during a high-usage time such as New Year's Eve. She said the bill contained a time frame of 52 months but she could only determine 51 months from her calculations.

The Senator asked for and received clarification from Mr. Guinan on the number of months of service for a taxicab. Mr. Guinan told her that the original bill had not contained the provision contained in the proposed amendment, lines 5 and 6, section 1, which read "... excluding the year of production" The original bill had not contained that phrase and the exclusion would add 12 months to the service life of a taxicab and that would extend the service life of a taxicab to 67 months. Ms. Moore had not been comfortable with the amendments and wanted the original language reinstated.

During the original hearing on the bill, Senator Carlton said she suggested time-in for the taxicab would be based on the date the taxicab was put into and when it would come out of rotation, 52 months later or whatever was agreed upon.

Mr. Guinan directed Senator Carlton's attention to lines 3 and 4, page 2 of the bill, "... shall remove the vehicle from operation as a taxicab within 90 days ... ", which meant the taxicabs were given an additional 3 months of life. That section addressed pulling a taxicab out of service during a high-usage time. Another 12 months of life was added by excluding the year of production, which meant a taxicab had 67 months of life.

Chair Nolan referred to a letter submitted by Yellow-Checker-Star Cab Company, Desert Cab Company and Whittlesea/Henderson Cab Company ([Exhibit Q](#)). The letter urged the Committee to pass S.B. 243 with an

amendment stating a new taxicab would have a service life of 67 months and a used taxicab would have a service life of 55 months.

Vice Chair Heck said using the numbers provided for the service life of a taxicab which had been provided in [Exhibit Q](#) would address Ms. Moore's concerns.

SENATOR CARLTON MOVED TO AMEND AND DO PASS S.B. 243, USING THE AMENDMENTS CONTAINED IN TAB D OF [EXHIBIT P](#).

Mr. Guinan said there appeared to be confusion between the amendments contained in tab D of [Exhibit P](#) and [Exhibit Q](#). The service life of a taxicab was not contained in tab D of [Exhibit P](#), but rather in [Exhibit Q](#).

Gary E. Milliken, Yellow-Checker Cab Company, said the testimony at the original hearing on the bill had been confusing as the model year had to be counted in the service life of a taxicab. Senator Carlton suggested using 67 and 55 months. That suggestion had been adopted as it was simpler.

Senator Carlton said she was going to amend her original motion on the bill.

SENATOR CARLTON MOVED TO AMEND AND DO PASS S.B. 243 TO REFLECT THE INTENT OF THE COMMITTEE BY STATING THAT A NEW TAXICAB WOULD BE IN SERVICE NO LONGER THAN 67 MONTHS AND A USED TAXICAB WOULD BE IN SERVICE NO LONGER THAN 55 MONTHS. A TAXICAB WOULD BE SUBJECT TO ANY OTHER RULES OR REGULATIONS OF THE STATE.

Senator Carlton asked whether or not her motion would include the 90 days contained in lines 3 and 4, page 2 of the bill. Mr. Guinan said both the service lives of the taxicabs would contain the 90 days in order that taxicabs did not have to be taken out of service during a high-usage period.

Mr. Milliken said the 90 days' provision had to be clarified. He stated he would find including or not including the provision in the bill acceptable.

Senator Carlton said she would be more comfortable including the 90 days in her motion.

SENATOR CARLTON MOVED TO AMEND AND DO PASS S.B. 243 TO REFLECT THE INTENT OF THE COMMITTEE BY STATING THAT A NEW TAXICAB WOULD BE IN SERVICE NO LONGER THAN 67 MONTHS AND A USED TAXICAB WOULD BE IN SERVICE NO LONGER THAN 55 MONTHS. A TAXICAB WOULD BE SUBJECT TO ANY OTHER RULES OR REGULATIONS OF THE STATE. ADDITIONALLY, THE 90 DAY PROVISION FOUND IN LINES 3 AND 4, PAGE 2 OF THE BILL WOULD APPLY TO BOTH THE 67-MONTH SERVICE LIFE AND THE 55-MONTH SERVICE LIFE OF A TAXICAB.

SENATOR HORSFORD SECONDED THE MOTION.

Senator Horsford asked whether used meant that the taxicab had no more than 30,000 miles. Senator Carlton told him, "Yes."

Senator Carlton said her motion did not include a proposed amendment submitted by Denny Weddle, Desert Cab; Nellis Cab. She said she would be uncomfortable due to the fiscal impact of Mr. Weddle's proposed amendment without further study.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

SENATOR AMODEI MOVED TO INCLUDE IN S.B. 243 THE AMENDMENT WHICH REMOVED THE MEDALLION FEES.

SENATOR HECK SECONDED THE MOTION.

Senator Heck said he was concerned about the 20-cent per-trip fee which would be charged if the medallion fees were removed. Mr. Weddle said he was in support of the amendment removing the medallion fee. He explained that the medallion fee would be eliminated while the per-trip fee would be increased by five cents. This increase would result in an approximate \$1.2 million budget enhancement. Senator Horsford asked about the fiscal impact of the amendment. Mr. Weddle stated the fiscal impact would be approximately \$1 million, while Mr. Guinan directed the Committee's attention to the last page

of tab D of [Exhibit P](#), which contained a breakdown of the two charges and the resulting fiscal impact.

Mr. Weddle said the figures contained in [Exhibit P](#) were not an accurate representation of the fiscal impact. The current per-trip fee was 15 cents. If the fee were raised by 5 cents, the State could realize \$4,956,149, an increase of \$3,717,111.

Chair Nolan suggested taking the 5-cent-per-trip fee increase as a separate amendment, obtain more information and then bring the amendment as a floor amendment to the bill. He said he was afraid that people would not understand that the amendment imperiled the bill. The Chair said he wanted to process the bill as is and take any further amendments as floor amendments. He directed staff to draft the provision as a floor amendment and have it ready before the bill reached its second reading on the floor. If the taxicab industry wanted the amendment, it would be added onto the bill.

Mr. Weddle said he had no reason to cancel the bill and seeing the Chair's reasoning, would work with the industry on an amendment. The Chair instructed Mr. Weddle to inform him of the industry's pleasure on the proposed floor amendment.

Senator Carlton wanted clarification on the per-trip fee increase. She said she understood the bill eliminated the \$100 medallion fee while increasing the 15-cent-per-trip fee to 20-cents-per-trip fee. The increased fee would be added to the meter charge which meant the consumer would pick up the increased fee charge. Mr. Weddle nodded his head indicating the Senator was correct. She said that was another reason she opposed the per-trip fee increase.

SENATOR AMODEI WITHDREW HIS MOTION.

SENATOR HECK WITHDREW HIS SECOND.

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Chair Nolan closed the work session on [S.B. 243](#) and opened the work session on [S.B. 269](#).

[SENATE BILL 269](#): Revises provisions relating to parking spaces for handicapped persons. (BDR 43-1272)

Mr. Guinan said the Committee amended the bill with provisions from a bill sponsored by Senator Schneider, S.B. 273, who agreed to his bill being amended into S.B. 269.

[SENATE BILL 273](#): Makes various changes relating to parking by certain persons with disabilities. (BDR 43-253)

Another amendment to the bill permitted a caretaker or family member to use a disabled parking placard when picking up or dropping off the holder of a disabled-parking permit. Mr. Guinan told the Committee that Senator Schneider would be added as a cosponsor of S.B. 269. For the Committee's benefit, Mr. Guinan read section 1, subsection 15 of S.B. 269, adding that the new language adopted from S.B. 273 was highlighted in green in tab F of [Exhibit P](#).

Mr. Guinan referred to section 2, subsection 9, paragraph (a) of S.B. 269 which addressed when the driver of a motor vehicle or motorcycle with a handicapped parking placard must be in the vehicle or on the motorcycle when it was being parked in the space designated for the handicapped.

SENATOR SCHNEIDER MOVED TO AMEND AND DO PASS S.B. 269.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.
SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

Chair Nolan closed the work session on S.B. 269 and opened the work session on S.B. 400.

[SENATE BILL 400](#): Provides for regulation of off-road vehicles. (BDR 43-426)

Mr. Guinan explained that during the bill's original hearing there were not enough Committee members for a quorum so a vote could not be taken. The Committee members present decided the bill needed a fiscal note and it should

be rereferred to the Senate Committee on Finance in order to qualify for an exemption. The bill's sponsor, Senator Hardy, would continue to work on the bill. The DMV had submitted a fiscal note to the Budget Division, Department of Administration. As the Budget Division director had not yet released the fiscal note, it was not available for review.

SENATOR CARLTON MOVED TO REREFER S.B. 400 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HECK SECONDED THE MOTION.

Senator Carlton said the Committee would continue to work on the bill as it was within the Committee's jurisdiction. She added the bill and any future amendments would be referred to the Senate Committee on Finance. Chair Nolan said he had discussed the bill with the Chair of the Senate Committee on Finance, who said the bill would be returned to the Senate Committee on Transportation and Homeland Security for further processing while Senator Hardy continued his work on the bill.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.

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There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security adjourned at 8:01 p.m.

RESPECTFULLY SUBMITTED:

Lee-Ann Keever,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____