

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

**Seventy-third Session
May 3, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:39 p.m. on Tuesday, May 3, 2005, in Room 2149 of the Legislative Building, Carson City, 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 Maurice E. Washington
Senator Maggie Carlton
Senator Steven Horsford

COMMITTEE MEMBERS ABSENT:

Senator Mark E. Amodei (Excused)
Senator Michael A. Schneider (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Joe Hardy, Assembly District No. 20
Assemblyman Lynn C. Hettrick, Assembly District No. 39
Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1
Assemblyman John Ocegüera, Assembly District No. 16
Assemblyman Scott Sibley, Assembly District No. 22

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Sherry Rodriguez, Committee Secretary

OTHERS PRESENT:

Peter Krueger, Nevada Emission Testers Council
Clay Thomas, Deputy Director, Department of Motor Vehicles
Alfredo Alonso, Jiffy Lube
Dan Musgrove, Clark County
Troy Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles
Andrew Goodrich, Manager, Air Quality Management Division, Washoe County District Health Department
Edgar Roberts, Administrator, Motor Carrier Division, Department of Motor Vehicles
Berlyn D. Miller, Nevada Contractors Association
Dawn Lietz, Supervising Auditor, Audit Section, Motor Carrier Division, Department of Motor Vehicles
Daryl E. Capurro, Nevada Motor Transport Association
Anthony Bandiero, Nevada Petroleum Marketers and Convenience Store Association
Ronald S. Levine, Nevada Motor Transport Association

Chair Nolan opened the hearing on Assembly Bill (A.B.) 381.

ASSEMBLY BILL 381 (1st Reprint): Authorizes use of single center lane when making left-hand turn onto highway. (BDR 43-628)

Assemblyman Lynn C. Hettrick, Assembly District No. 39, explained that A.B. 381 clarified an ambiguity in the law concerning left-hand turns from the center lane of a highway. He added the bill was simple and referred to section 1, subsection 3, paragraphs (a) and (b) of the bill which detailed the manner in which a left-hand turn was to be executed.

Originally, section 1, subsection 3, paragraph (c) of the bill read, "A vehicle must not travel more than 200 feet ...", but the Assembly changed that provision to read, "A vehicle must not travel more than 50 feet ..." based on the testimony of the Nevada Highway Patrol (NHP), Department of Public Safety (DPS).

Senator Carlton said she was concerned with the change from 200 feet to 50 feet. She stated she thought the additional footage made left-hand turns

smoother as a driver would not have to accelerate from a dead stop into traffic. The 200 feet of travel lane would be especially beneficial for inexperienced or careless drivers. The Senator added she knew the NHP was concerned with long travel lanes, but stated she did not agree with those concerns.

Senator Carlton asked about the penalties which would be imposed if a driver violated the provisions of the bill. She said she looked up the bill's penalties, which were contained in *Nevada Revised Statutes* (NRS) 484.3667. That statutory provision provided for double penalties for traffic violations committed in a highway-construction work zone. She asked Assemblyman Hettrick for clarification on the penalties provided for under section 1, subsection 5 of the bill.

Assemblyman Hettrick said a driver would be subject to a double penalty under section 1, subsection 5 of the bill if the violation occurred in a highway-construction work zone. All other violations would be subject to a single penalty. Senator Carlton said the only reference to penalties she found in the bill was contained in section 1, subsection 5 of the bill, so she was not sure about the penalties.

Assemblyman Hettrick said that provision of the bill clarified when a driver would be subject to a double penalty. He noted that he was not sure how a citation would be issued to a driver who violated the bill's provisions, but thought that the citations would be issued in the same manner as those citations issued for other traffic violations.

Assemblyman Hettrick noted that the Assembly Committee on Transportation had not received testimony regarding the bill's penalties. The provisions of the bill which addressed the penalties had not been amended by the Assembly.

Chair Nolan closed the hearing on A.B. 381 and opened the hearing on A.B. 239.

ASSEMBLY BILL 239 (1st Reprint): Revises certain provisions relating to drivers' licenses and the control of emissions from engines. (BDR 43-566)

Assemblyman Joe Hardy, Assembly District No. 20, referred to a proposed amendment to the bill ([Exhibit C](#)). He said the genesis of the bill originated from a situation where an elderly woman went to the Department of Motor Vehicles

(DMV) for an identification card, but instead had been talked into a driver's license by the DMV staff. While the woman's family had not wanted her to drive, they did want her to have some form of state-issued identification.

Assemblyman Hardy referred to section 2 of the bill which permitted a family member related to a senior driver within the third degree of consanguinity, to report that person to the DMV as being an unsafe driver. The report would have to be substantiated by a doctor.

Assemblyman Hardy noted a story concerning senior drivers had been published in the May 2, 2005, edition of the *Reno Gazette-Journal* ([Exhibit D](#)). The article mentioned a CD entitled, "Roadwise Review" which senior drivers could purchase and use to test their visual acuity, flexibility and leg strength in the privacy of their homes. He mentioned the CD would be free to members of the American Automobile Association.

Assemblyman Hardy stated that most people were apprehensive when the senior members of their family continued driving. The bill's intent was to allow those family members the opportunity to have the senior driver tested by the DMV. The forms for testing were already in place for use by both doctors and the DMV staff.

Assemblyman Hardy referred to section 5 of the bill, which addressed the authorized inspection stations, but added he thought the DMV would have a friendly amendment to that section.

Assemblyman Hardy referred to an amendment to the bill ([Exhibit E](#)) which Assemblyman Sibley wanted to address.

Assemblyman Scott Sibley, Assembly District No. 22, explained the reason for the amendment. Assemblyman Sibley's wife had malignant hyperthermia, which could be fatal under certain circumstances. In his capacity as a doctor, Assemblyman Hardy asked whether or not Mrs. Sibley wore a medical identification bracelet. As Mrs. Sibley did not wear a medical identification bracelet, Assemblyman Hardy suggested she carry documentation with her in her purse.

After discussion and research, it was decided that the back of a person's driver's license would be an ideal location for the person's medical information.

The state of Arizona already provided the information on the backs of drivers' licenses using a special code which only emergency personnel knew how to read.

Assemblyman Sibley said when a person chose not to wear a medical identification bracelet, he wanted there to be an alternative means by which to alert doctors and emergency personnel of the person's medical conditions.

Assemblyman Hardy said there would be sufficient room to place medical information on most driver's licenses. He gave the credit for the suggested placement of the coding on the back of a Nevada driver's license to the DMV staff. The DMV proposed using the *International Classification of Diseases, 9th revision* for the codes. The list of medical conditions which would be listed on the back of a Nevada driver's license was small, but would provide medical personnel with the information required to properly treat a person who was not able to communicate with medical personnel.

Chair Nolan asked whether the information would be printed on a driver's license or if a sticker would be placed on licenses. Assemblyman Hardy said the information would be printed on the driver's license by the DMV. He added the Nevada State Medical Association supported A.B. 239.

Senator Carlton asked for clarification on the process by which a family member would have a senior family-member's driver's license revoked. She wanted to know whether the family member would have to first contact a doctor and then the DMV.

Assemblyman Hardy said the family members usually knew when it was not safe for a senior family member to be driving. Presently, such family members were in a quandary as to how to protect both the senior family member and other drivers or pedestrians on the road. Under the bill, the family would have to approach the senior family-member's doctor with their concerns. The doctor would then have to see the senior family member and evaluate his or her physical condition with regard to driving ability. The Assemblyman stated it would be both difficult and unethical for a doctor to determine a person's physical condition without having examined the person.

After the examination, the family members would contact the DMV and provide the DMV staff with the doctor's report. At that point, the senior family member

would be scheduled for a driver's test by the DMV. The DMV would have a number of options based on the results of the driver's test. If a person's driver's license was revoked based on the results of the driver's test, the DMV would be able to issue a state identification card to the person.

Peter Krueger, Nevada Emission Testers Council, said he was surprised by A.B. 239 and had not had a chance to discuss the bill with the sponsor. He discussed the needs of the emission testers in Nevada and the reason why that industry was so tightly regulated. The reason for the tight regulation was based on the public's need for confidence in Nevada's emissions-testing program. The program was important to Nevada's air quality and the public did not want to be deceived into having unnecessary repairs done on their automobiles.

The bill appeared to expand the emissions-testing program and Mr. Krueger stated that he did not know why the bill's sponsor wanted to expand that program. The DMV tightly regulated the types of repairs which could be performed by a licensed emission tester. Mr. Krueger wondered whether the emissions-testing program would be jeopardized if it were enlarged.

Chair Nolan explained the provision had been adopted by Assemblyman Richard Perkins. The Chair stated that he accepted Mr. Krueger's testimony in which Mr. Krueger stated he had not received advanced notice regarding the bill or its amendments. The Chair said the Committee would process the bill and the amendments. He directed Mr. Krueger to work with Committee staff on the bill's effect on the emissions-testing program in Nevada.

Senator Washington asked Mr. Krueger whether or not it was true that there had been an airplane crash near an oil refinery which in turn caused the cost of gas to increase. Mr. Krueger replied that he had not heard of an airplane crash being the reason for the increased cost of gas in the country. He added the gas costs were high due to increased demand, especially in emerging countries. For the previous 25 years, production outpaced refining capabilities. Currently, refineries were operating at approximately 95 percent of capacity, which allowed the refineries to keep pace with demand.

Mr. Krueger told the Senator that there were hiccups in oil production and delivery. As an example, he cited the pipeline which carried fuel from California to Reno that suffered a leak in April 2005. Mr. Krueger offered to spend time

with Senator Washington to discuss the various reasons for the increased cost of gas and other related topics.

Chair Nolan asked Clay Thomas, Deputy Director, Department of Motor Vehicles, whether or not he wanted to testify on A.B. 239. Mr. Thomas declined to testify on the grounds the DMV had no position on the bill.

Senator Carlton asked which version of the bill the Committee was discussing. The bill indicated it had been reprinted on April 20, 2005. A nod of heads from the Committee members indicated that was the correct version of the bill.

Alfredo Alonso, Jiffy Lube, said A.B. 239 had been amended with the sponsor's permission to allow for a repair center to provide the basic service on a fuel-injection system. Basic service would not include repairs to a vehicle's fuel-injection system and would be easy to provide to consumers at a reasonable cost. By allowing a repair center such as Jiffy Lube to provide the basic service on fuel-injection systems, consumers would not have to have their vehicles serviced at a dealer and would save money.

One issue not addressed in the bill was separating the emissions testing from the basic services which would be provided. The lack of separation concerned the counties in which emissions testing was required and the DMV. Mr. Alonso stated he wanted to present the Committee with an amendment that would address the separation. Mr. Alonso said he wanted to ensure that the smog component of the emissions testing and the steps the counties were required to follow were protected in the bill.

Dan Musgrove, Clark County, said he appreciated Mr. Alonso's willingness to work with Clark County. He stated he had been concerned that there would be a blurring between the testing, certification and repair processes. Mr. Musgrove noted that Clark County had to follow federal regulations when certifying vehicles through the emissions-testing program. The federal regulations mandated that there be a clear distinction between the testing, certification and repair processes. Mr. Musgrove said he thought the bill's original language blurred these three distinct processes.

Troy Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles, said he echoed Mr. Musgrove's comments and noted the DMV

had concerns about the bill which needed to be addressed. He said the DMV would work with Mr. Alonso and the bill's sponsor on potential amendments.

Andrew Goodrich, Manager, Air Quality Management Division, Washoe County District Health Department, said he agreed with Mr. Musgrove's statements. He stated that all the concerned parties had to work out the issues.

Chair Nolan noted the amendment to the bill had been a floor amendment. He directed those present to work with both the bill's sponsor and the amendment's sponsor on amending A.B. 239 which would then allow the bill to be processed by the Senate with little or no objection from the Assembly. The Chair asked those present to have all amendments to the bill returned to the Committee for consideration within a weeks' time.

Mr. Alonso said it was his intent to work out all issues concerning the bill very quickly and promised to work with Assemblyman Hardy to ensure he was satisfied with the final version of the bill.

Chair Nolan closed the hearing on A.B. 239 and opened the hearing on A.B. 255.

ASSEMBLY BILL 255 (1st Reprint): Revises certain provisions relating to taxation of special fuels and dyed special fuels. (BDR 32-1258)

Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1, provided the Committee with a brief background on the bill. She requested a bill draft request (BDR) on February 7, 2005, on DMV's behalf. When she received the BDR, she had been uncomfortable with it and had worked with industry representatives to rewrite the bill. She also worked with the DMV to address that department's concerns over unmanned card locks.

The Assembly Committee on Transportation heard the bill on April 12, 2005. As that Committee had concerns with the bill, it was later discussed in a work session where industry representatives and the DMV staff were present. The amended bill was again presented to the Assembly Committee on Transportation twice in April 2005. The bill was passed out of Committee on April 27, 2005. With all the work which had been done on the bill, the Assemblywoman stated she felt the bill was a good one and she was comfortable with it.

Since the bill passed out of the Assembly, the DMV proposed another amendment which Assemblywoman Kirkpatrick had not seen. She stated she was comfortable with the bill as written. Assemblywoman Kirkpatrick suggested that it would be more appropriate for the DMV to implement its amendment through regulation than through legislation.

Chair Nolan said as some of the new Committee members were not familiar with dyed fuels, it would be appropriate for the DMV to make a presentation to the Committee on the subject.

Edgar Roberts, Administrator, Motor Carrier Division, Department of Motor Vehicles, spoke from prepared text ([Exhibit F](#)). Mr. Roberts' presentation included an amendment to A.B. 255 ([Exhibit G](#)).

Senator Washington said he was concerned about the increase in fuel prices, especially diesel fuel, and wanted to know whether Mr. Edgar had seen an increase in the misuse of dyed fuel based on increased fuel prices.

Mr. Roberts said the NHP cited drivers for the improper use of dyed diesel fuel. Over the past 4 years, the DMV received 255 citations for the improper use of dyed diesel fuel from the NHP. Out of the 255 citations, 105 had been issued to smaller-use vehicles such as pickup trucks with diesel engines.

Senator Washington asked whether the smaller vehicles, not the larger ones, were the ones who misused the dyed diesel fuel. Mr. Edgar stated the majority of the citations issued were to larger diesel vehicles.

Senator Carlton wanted to know whether the amendment Mr. Roberts referenced in his presentation, [Exhibit G](#), was the same amendment Assemblywoman Kirkpatrick mentioned. Mr. Roberts replied, "Yes." He added the bill had to be enacted before the DMV could promulgate regulations on it.

Senator Carlton wanted to know whether the amendment had been discussed by the Assembly. Mr. Roberts said, "No." The Senator asked why the amendment had not been presented to the Assembly. Mr. Roberts stated that when the bill had originally been presented to the Assembly, it was completely different than the version which had been passed by the Assembly. He said the amendment had been added after discussion with industry representatives.

Senator Carlton wanted to know whether electronic reporting by suppliers was imperative to the bill's implementation. She said it appeared that the bill was trying to address the misuse of dyed diesel fuel. Mr. Roberts said the electronic filing would provide the DMV with records of all diesel fuel sold in Nevada, both dyed and undyed. He noted that clear fuel or undyed fuel was taxable while dyed diesel was not. Additionally, the electronic reporting would extend to the sales of other fuels in Nevada and would allow the DMV to spot any ambiguities in the suppliers' reports.

Senator Carlton said that Assemblywoman Kirkpatrick's opening statements indicated she was not comfortable with the bill as originally written. The Senator added if Assemblywoman Kirkpatrick was not comfortable with the bill's amendment, then she would not be comfortable with it either. Mr. Roberts said that the DMV implemented a new supplier reporting program in 2005. The new program allowed suppliers to submit their tax returns electronically on a voluntary basis. However, other states and the federal government mandated that such reporting be done electronically. The DMV was using the amendment to phase in the electronic reporting by suppliers.

Chair Nolan addressed the subject of tax evasion and wanted to know whether or not criminal sanctions had been included in the bill for those suppliers whose reports were not accurate and indicated tax evasion. Mr. Roberts said criminal intent would have to be proved and proving criminal intent was a detailed process.

There was a statute already on the books which permitted the DMV to assess a 25-percent penalty on suppliers once criminal intent was proved. The proposed amendment called for stricter penalties. As an example, Mr. Roberts cited a company in Las Vegas which had received six dyed-diesel citations. As the supplier saw those citations and fines as the cost of doing business, he was not deterred by the citations.

Senator Washington asked whether Assemblywoman Kirkpatrick was willing to accept the amendment or wanted the bill amended through regulation. Assemblywoman Kirkpatrick said she thought the bill had been turned around 360 degrees since it was originally introduced. The problem had been identified and industry representatives worked to resolve the problem. As the bill's sponsor, she felt it was inappropriate to amend the bill after the legislative deadline. Assemblywoman Kirkpatrick said the bill was a good piece of

legislation and she was comfortable leaving it in the version presented to the Committee.

Mr. Roberts said the industry came to the DMV with the amendment under discussion. Chair Nolan asked if Mr. Roberts had a chance to discuss the amendment with industry representatives prior to the legislative deadline.

Assemblywoman Kirkpatrick reiterated the bill's history in the Assembly and the dates the Assembly Committee on Transportation received testimony on the bill. She noted the bill's amendment had been drafted and approved on April 22, 2005. Assemblywoman Kirkpatrick said, as the bill's sponsor, she would have liked to know that there was an additional amendment for the bill. She said the proposed amendment had not been discussed during the work session held by the Assembly Committee on Transportation and added she believed the proposed amendment should have been discussed during that work session.

Chair Nolan said the Committee appreciated receiving clean bills, but understood that there were occasions when a bill from the other House had to be amended.

Berlyn D. Miller, Nevada Contractors Association, said he had been contacted by Assemblywoman Kirkpatrick when she received the BDR. She was not happy with the way the bill had been drafted and asked Mr. Miller for his assistance in reworking the bill. Mr. Miller stated that A.B. 255 was the third generation of the bill. The industry representatives were happy with the bill as written and supported the amendment. The industry representatives felt the amendment allowed the DMV to receive information from the suppliers.

Mr. Miller stated that A.B. 255 was a good bill and did not object to the amendment in [Exhibit G](#).

Senator Horsford said he reviewed the amendment and referred to the bill's fiscal note ([Exhibit H](#)). He asked whether the DMV felt there would not be a fiscal note associated with the proposed amendment. Chair Nolan said the fiscal note was for the bill. Senator Horsford said the bill had been amended, yet he did not see where the fiscal note had been modified to reflect the amendment. The Chair said staff would review the documents and provide Senator Horsford with an answer.

Patrick Guinan, Committee Policy Analyst, said the date on the fiscal note which had been distributed to the Committee was May 2, 2005. The fiscal note did not reference whether or not the amendment had been included in the figures provided.

Chair Nolan said he thought the figures contained in the fiscal note might include the amendment and referred to the explanation on page 1 of [Exhibit H](#). The Chair said the Committee would verify that the figures in the fiscal note referenced the amendment.

Dawn Lietz, Supervising Auditor, Audit Section, Motor Carrier Division, Department of Motor Vehicles, clarified the fiscal note for the Committee's benefit. She explained the original bill contained a section which the Assembly Committee on Transportation was not able to process based on the international fuel-tax agreement. That section of the bill, including the fiscal note, was amended out.

The \$77,000 contained in [Exhibit H](#) was an increase to cover the administrative costs of the dyed-diesel citations based on current-year information. That sum represented additional revenue to the State based on increased fines. The fiscal note included the revenue which would have been generated if the bill had been processed as originally written.

Senator Horsford asked Ms. Lietz to clarify that there would be not additional expense related to the electronic-reporting provisions contained in the amendment. Ms. Lietz told the Senator there would not be additional costs and that the DMV had implemented its system to allow the electronic filing of supplier reports. Ms. Lietz added that while suppliers were already required to file their reports in a format prescribed by the DMV, they were not required to file the reports electronically.

Senator Carlton said she was trying to compare the bill's original language to the language contained in the amendment in [Exhibit G](#). Due to the makeup of the amendment, she said she was having difficulty in determining the new language. The Senator asked that bill's new language be pointed out to her.

Chair Nolan said he thought the first draft of the bill would be considered the first generation of the bill; the second generation would be bill as reworked by Assemblywoman Kirkpatrick; the third generation was the result of the bill being

reworked with the suggestions provided by industry representatives to reflect Assemblywoman Kirkpatrick's intent and the fourth generation of the bill was being considered by the Committee.

Mr. Miller stated that the Chair's multi-generational explanation of the bill was correct. He told the Committee the amendment contained in [Exhibit G](#) covered sections 14, 15 and 16 of the bill. Senator Carlton said she wanted to make sure she was looking at the correct language in the bill. Chair Nolan noted that it appeared section 4 of the bill had also been amended by substituting the word "or" for the word "and."

Daryl E. Capurro, Nevada Motor Transport Association, said the issue of dyed diesel fuel was important. He said he realized that the Legislature would not address the problems with the State's Highway Fund, which would be facing a deficit of \$100 million by 2007. Mr. Capurro said it was important for the State to be able to know how much fuel was distributed in Nevada and it was especially important for the State to ascertain whether or not dyed diesel fuel was being properly used.

Mr. Capurro said his position had always been that taxes should not be increased until the Legislature was certain the State was already collecting the taxes it should be collecting based on current law.

Mr. Capurro stated he had a problem with the price of fuel being at an all-time high. He explained that diesel fuel had a lower distillate and added he did not understand why the price of diesel fuel was higher than premium gasoline. Mr. Capurro stated that the cost of diesel fuel was inelastic; big-rig trucks had to be used to deliver goods to people throughout the country and those vehicles used only diesel fuel. He added that 80 percent of all communities in Nevada received their goods via big-rig trucks. Mr. Capurro said the price of gasoline was elastic.

Mr. Capurro said [A.B. 255](#), including the amendment, would give the State an even playing field in the future to determine where fuel was going, how much fuel was being distributed in Nevada and how Nevada would address fuel taxes and other fees. Mr. Capurro noted the Assembly Committee on Transportation did a tremendous job of processing the bill. He added the amendments to the bill were processed on April 25, 2005, and the bill was processed out of the Assembly on the last day possible for that body to process one of its measures.

Mr. Capurro said he would agree to pull the amendment if keeping it meant the bill would not be processed by the Senate. He added the provisions contained in the amendment were important. He noted the industry was set up to process electronic filings to the DMV. Mr. Capurro reiterated his previous testimony regarding the mandatory filing of reports by the federal government and the fact that the bill mirrored federal-filing requirements. Other states were considering the mandatory electronic filing of reports by fuel suppliers.

Mr. Capurro said the industry would be happy if the Committee kept the proposed amendment, but added he would understand it if the Committee did not retain the amendment.

Senator Carlton asked for clarification on the mandatory federal-filing requirements and how those requirements affected the amendment. She said if the federal government made the electronic filing mandatory as of January 1, 2005, Nevada would have to process electronic submissions with or without the amendment. Mr. Capurro said the federal requirement applied only to the federal filing and did not impact Nevada's filing process.

Mr. Capurro noted that before the DMV could enact regulations covering the electronic filing of fuel reports by suppliers, it required enabling legislation. Senator Carlton said Nevada's filing requirements were voluntary and that A.B. 255 would make those requirements mandatory. Mr. Capurro agreed with her.

Chair Nolan asked how many of the fuel suppliers were complying with the voluntary filing requirements. Mr. Roberts replied that out of 178 suppliers, the DMV had 46 trade-partner agreements to file supplier reports electronically.

Chair Nolan wanted to know whether any of the fuel suppliers who were filing electronically had been cited by the NHP. Mr. Roberts replied that it was the users of dyed diesel fuel who were cited by the NHP, not the suppliers.

Mr. Capurro said that one of the problems in enforcing the proper use of dyed diesel fuel was the lack of enforcement capabilities. The use of dyed diesel fuel had increased substantially. He noted that there were retail stations where the attendants could not see which fuel a person was purchasing, while a card-lock location provided greater control over which fuel a person purchased.

Anthony Bandiero, Nevada Petroleum Marketers and Convenience Store Association, explained the federal requirements applied only to terminals and did not apply to all fuel suppliers in Nevada. He said there were approximately 15 terminals in Nevada and 178 suppliers. The amendment required the suppliers to file electronically. He noted the first version of the bill was unacceptable to the industry. Under Assemblywoman Kirkpatrick's direction, the bill had been rewritten and was now acceptable to the industry.

Mr. Bandiero told the Committee that he was concerned with the compliance date contained in section 14 of the amendment. He said he thought additional time was required. Mr. Bandiero stated the DMV agreed to push the compliance date back to July 2006. He asked that all the compliance dates in the bill be pushed back to July 2006.

Mr. Bandiero noted the DMV would not require the electronic filing of tax payments by suppliers under the provisions of A.B. 255.

Mr. Bandiero said the DMV should be given the authority to receive the suppliers' reports electronically; however, the details of the process should be addressed through regulations where public input would be received and the details worked out.

Senator Carlton said what the bill required was one sentence which stated, "The DMV may establish regulations on mandating electronic filing." She added the bill had been confusing as it did not appear to focus on one subject. If regulations were to be promulgated, then the bill did not need to mention the number of gallons of diesel fuel sold.

Mr. Bandiero said he agreed with Senator Carlton, but added that, per his request, the DMV had put the implementation of electronic filing into stages. Senator Carlton told him that the Committee could motivate the DMV to implement the electronic filing in stages.

Mr. Roberts said he would have no problem using a sentence based upon Senator Carlton's suggested language. However, enacting legislation had to be passed which would then permit the DMV to promulgate regulations. He noted that he had no problem with removing sections 14 and 15 of the amendment, but wanted to retain section 16.

Chair Nolan asked whether or not Mr. Roberts had a problem with the enactment date suggested by Mr. Bandiero. Mr. Roberts replied the DMV had no problem with a July 2006 enactment date.

The Chair noted that Senator Carlton's suggestion might be easier to implement than the proposed amendment.

Mr. Roberts asked for clarification on how the Committee proposed to amend the bill. He said he understood that sections 14 and 15 of the proposed amendment would be deleted and replaced with Senator Carlton's language. Chair Nolan said staff would work with Assemblywoman Kirkpatrick and industry representatives on providing a clean amendment. Chair Nolan said the Committee would take no action on the bill until it had a chance to review the amendment.

Chair Nolan closed the hearing on A.B. 255 and reopened the hearing on A.B. 381.

The Chair explained the bill had been originally processed during the 2003 Session. The implementation of the original bill had been difficult and A.B. 381 had been drafted to solve the problems with the original bill.

Chair Nolan explained Senator Carlton's reservations with changing the travel lane from 200 feet to 50 feet. Senator Carlton said she had serious concerns with a driver pulling into the middle lane and only being able to travel 50 feet and then attempting to merge into the fastest lane of traffic after being at a dead stop. She said she would be more comfortable if the bill mandated the distance to be 200 feet. Senator Carlton stated she understood the NHP's position on the bill, but did not feel it was practical.

SENATOR HECK MOVED TO DO PASS A.B. 381.

SENATOR WASHINGTON SECONDED THE MOTION.

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

Chair Nolan closed the hearing on A.B. 381 and opened the hearing on A.B. 507.

ASSEMBLY BILL 507: Changes designation of fireman to firefighter.
(BDR 43-1329)

Assemblyman John Ocegüera, Assembly District No. 16, explained the bill had been requested by a female fire chief in southern Nevada. The chief asked why all references to firefighters were male when there were females serving on fire departments throughout the country. Assemblyman Ocegüera said it would be easy to change the word "fireman" in the statutes to "firefighter" and stated he would appreciate the Committee's support of A.B. 507.

Ronald S. Levine, Nevada Motor Transport Association, stated he was retired from the NHP and that during the 1980s the NHP faced the same issue with female troopers. At that time, the NHP troopers were called patrolmen. The problem had been solved by calling all NHP patrolmen troopers. Mr. Levine said he supported A.B. 507.

SENATOR CARLTON MOVED TO DO PASS A.B. 507.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS AMODEI AND SCHNEIDER WERE 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 3:10 p.m.

RESPECTFULLY SUBMITTED:

Lee-Ann Keever,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____