

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

**Seventy-fourth Session
February 15, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 3:29 p.m. on Thursday, February 15, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joseph J. Heck, Vice Chair
Senator Maurice E. Washington
Senator Mark E. Amodei
Senator Maggie Carlton
Senator Joyce Woodhouse

COMMITTEE MEMBERS ABSENT:

Senator John J. Lee (Excused)

GUEST LEGISLATORS PRESENT:

Senator Terry Care, Clark County Senatorial District No. 7
Senator Valerie Wiener, Clark County Senatorial District No. 3

STAFF MEMBERS PRESENT:

Carolyn Allfree, Committee Secretary
Donna Esposito, Committee Manager
Jason Funk, Intern to Senator Heck
Elana Graham, Assistant to Committee Manager
Wes Henderson, Intern to Senator Nolan
Dan Lindholm, Intern to Senator Nolan
Nicholas Marquart, Intern to Senator Nolan
Matthew Prichard, Intern to Senator Carlton

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Josh Selleck, Assistant to Senator Nolan
Matt Szudajski, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Lynette M. Johnson, Committee Secretary

OTHERS PRESENT:

Jeanette Rae, Veterans' Services Representative, Office of Veterans' Services
Tony Vaughn, Department Commander, Department of Nevada, The American Legion
Nicholas C. Anthony, Legislative Relations Program Manager, Office of City Manager, City of Reno
Sharon Zadra, City Council, City of Reno
Mike Whan, Lieutenant, Traffic Division, Reno Police Department
Robert Roshak, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association
Shaun E. Jillions, City of Henderson
Kimberly J. McDonald, State Legislative Affairs Officer, City Manager's Office, City of North Las Vegas
Rob Joiner, Manager, Government Affairs, City of Sparks
Jay David Fraser, Executive Director, Nevada League of Cities and Municipalities
William A. Bainter, Lieutenant, Nevada Highway Patrol, Department of Public Safety
Cotter C. Conway, Washoe County Public Defender
Jason M. Frierson, Deputy Public Defender, Office of the Public Defender, Clark County

CHAIR NOLAN:

We will open the meeting with Bill Draft Request (BDR) 19-300.

BILL DRAFT REQUEST 19-300: Revises provisions concerning the release of certain confidential and restricted documents relating to potential acts of terrorism. (Later introduced as [Senate Bill 106](#).)

SENATOR HECK MOVED TO INTRODUCE BDR 19-300.

SENATOR CARLTON SECONDED THE MOTION.

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THE MOTION CARRIED. (SENATORS AMODEI, LEE, AND WASHINGTON
WERE ABSENT FOR THE VOTE.)

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CHAIR NOLAN:

We will open the hearing on Senate Bill (S.B.) 17.

SENATE BILL 17: Revises provisions relating to certain special license plates for veterans of the Armed Forces of the United States. (BDR 43-68)

SENATOR VALERIE WIENER (Clark County Senatorial District No. 3):

I urge your support for S.B. 17 and will read from prepared testimony ([Exhibit C](#)).

SENATOR TERRY CARE (Clark County Senatorial District No. 7):

Recipients of the Congressional Medal of Honor are special people. This bill recognizes all veterans and I urge you to support S.B. 17.

JEANETTE RAE (Veterans' Services Representative, Office of Veterans' Services):

Our office supports S.B. 17 and the need to provide equal honors to our veterans. I will read from prepared testimony ([Exhibit D](#)).

TONY VAUGHN (Department Commander, Department of Nevada, The American Legion):

We support S.B. 17 and echo Ms. Rae's testimony.

SENATOR HECK MOVED TO DO PASS S.B. 17.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS AMODEI, LEE, AND WASHINGTON
WERE ABSENT FOR THE VOTE.)

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CHAIR NOLAN:

We will close the hearing on S.B. 17 and open the hearing on S.B. 43.

SENATE BILL 43: Increases the penalty for driving a vehicle in an unauthorized speed contest on a public highway. (BDR 43-435)

NICHOLAS C. ANTHONY (Legislative Relations Program Manager, Office of the City Manager, City of Reno):

This bill, S.B. 43, addresses street and drag racing, which have become a statewide public-safety concern. The face of street racing has changed; it is no longer a pastime among juveniles on a Friday or Saturday night. Participants include juveniles and adults who are using vehicles that have been elaborately modified. Street-racing participants even use police scanners to evade law enforcement, which is why this has become such a serious issue. I have provided you with a handout (Exhibit E, original is on file in the Research Library) to demonstrate the extent of the problem.

SENATOR CARLTON:

I did not see any distinguishing language between juveniles and adults in S.B. 43. Do you plan on addressing juveniles in the bill or will the bill treat all offenders equally?

Secondly, does this bill address registered owners?

MR. ANTHONY:

This bill originally included juveniles; however, most offenders are 18 to 24 years old. I would be willing to include juveniles through an amendment.

SENATOR CARLTON:

Will one bill be able to address both juveniles and adults?

MR. ANTHONY:

Yes, I can submit an amendment to include juveniles under this bill.

SENATOR CARLTON:

Are all jurisdictions in favor of this bill because we are changing State law?

MR. ANTHONY:

It is my understanding that S.B. 43 has statewide support. Additional proponents are in the audience prepared to testify.

SHARON ZADRA (City Council, City of Reno):

I receive numerous complaints from constituents regarding street racing. The calls address both safety concerns and nuisance matters. The Reno Police Department (RPD) has done an excellent job of working within the confines of current law. However, we need stricter penalties to deter the behavior altogether.

MIKE WHAN (Lieutenant, Traffic Division, Reno Police Department):

The RPD supports S.B. 43. This situation is getting worse; we are seeing an increase in driver and spectator participation. We need stricter penalties to help us educate and deter participants on this issue.

CHAIR NOLAN:

Like so many other laws, education is important. How are you going to educate street racers?

LIEUTENANT WHAN:

We use local media to help us educate the public. Also, officers personally talk to groups, while assembled at their hangouts, discussing the ramifications and laws regarding street racing.

MR. ANTHONY:

We are trying to deter street racers by focusing on the consequences of their actions.

SENATOR CARLTON:

I have concerns with some language in S.B. 43. For example, in section 3 on page 5, lines 41 to 44 refers to paragraph (a), lines 35 and 36, while page 6, lines 1 through 33 refers to paragraph (b) of the same section. Is this language correct? If so, why is it worded this way?

MR. ANTHONY:

The intent was to leave existing law alone and to address street racing specifically. The existing language is repeated to clarify that there are two distinct crimes.

SENATOR Carlton:

Is paragraph (a) of section 3 current law?

MR. ANTHONY:

Yes, it is current law. I believe your Committee Counsel can address your question.

SHARON WILKINSON (Committee Counsel):

Nevada Revised Statute 484.999 outlines a general criminal provision for commission of a misdemeanor. This language is current law and applies to paragraphs (a) and (b) in section 3 of S.B. 43.

SENATOR CARLTON:

I am also concerned with impounding the vehicle on the first offense, because the person driving the vehicle might not be the registered owner.

MR. ANTHONY:

The intent is to deter street racing by confiscating the vehicle used to commit the crime. I believe the public defender will offer an amendment allowing the judge to determine the number of days for vehicle impoundment.

SENATOR CARLTON:

Could the judge impound the vehicle on a first offense?

MR. ANTHONY:

Yes, they could.

SENATOR CARLTON:

I disagree with impounding a vehicle on the first offense.

CHAIR NOLAN:

I believe the vehicle would be impounded if the individual was convicted versus cited for their first offense. Am I correct?

MR. ANTHONY:

Yes, Mr. Chair, upon conviction of the individual's first offense, the judge could impound the vehicle.

SENATOR CARLTON:

Again, I have serious concerns about confiscating property on the first offense. I think we should revoke the driver's license of the person committing the offense.

ROBERT ROSHAK (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

We support this bill because we are also struggling with this issue in southern Nevada. We are willing to work on an amendment regarding impounding the vehicle. It is important that this legislation pass.

SHAUN E. JILLIONS (City of Henderson):

We support S.B. 43 and have an amendment ([Exhibit F](#)) clarifying the facilities for the offender to serve time.

KIMBERLY J. McDONALD (State Legislative Affairs Officer, City Manager's Office, City of North Las Vegas):

We support the City of Henderson's amendment for S.B. 43.

ROB JOINER (Manager, Government Affairs, City of Sparks):

We support S.B. 43 and the amendments previously mentioned.

JAY DAVID FRASER (Executive Director, Nevada League of Cities and Municipalities):

We support S.B. 43 and have support from our members.

WILLIAM A. BANTER (Lieutenant, Nevada Highway Patrol, Department of Public Safety):

The Nevada Highway Patrol supports S.B. 43 and we agree that stricter penalties will serve as a deterrent for unauthorized speed racing. We are available to work with the other parties on any amendments.

COTTER C. CONWAY (Washoe County Public Defender):

For the most part, we support S.B. 43; however, we have concerns with impounding the vehicle for 30 days. The vehicle owner would probably have to forfeit the vehicle. In addition, we are concerned with the windfall to the business collecting the impound fees. We are willing to discuss alternatives such as disabling the vehicle for a period of time without sending it to an impound facility.

SENATOR CARLTON:

How would you feel about impounding the vehicle on the second offense?

MR. CONWAY:

Certainly that is a step in the right direction; however, I am still concerned about impounding the vehicle for 30 days and the windfall to the business.

JASON M. FRIERSON (Deputy Public Defender, Office of the Public Defender, Clark County):

I echo the concerns expressed by Mr. Conway and have provided an amendment ([Exhibit G](#)) eliminating the vehicle impoundment. I spoke with Mr. Anthony about incorporating language addressing the registered-owner issue and giving the judge the discretion in determining the penalty.

CHAIR NOLAN:

Should we address the people organizing street races?

I would be in favor of language delivering stricter penalties to the registered owner driving the vehicle versus a nonowner driving the vehicle. The courts should have the discretion to impound the vehicle on the first offense if the registered owner is driving the vehicle. How does the Committee feel about giving the courts the discretion on when and for how long to impound the vehicle?

SENATOR CARLTON:

I understand your point; however, a lot of people do not have the financial resources to hire sufficient legal counsel for a court hearing. I still have concerns with impounding the vehicle on the first offense. I think confiscating the driver's license along with the other fines will be sufficient for the first offense.

SENATOR WOODHOUSE:

I understand Senator Carlton's position and I would be in favor of impounding the vehicle on the second offense. I would like to include juveniles in this bill.

SENATOR HECK:

I have concerns with impounding a vehicle when the registered owner was not the person driving the vehicle. If the driver is the registered owner then we impound the vehicle. If it is not, then we find another means of punishment.

CHAIR NOLAN:

The Committee would like Ms. Wilkinson to meet with Mr. Anthony and the other concerned parties to develop amendments addressing the initial

impoundment and whether or not the driver committing the offense is the registered owner. I still feel that if the vehicle has been enlisted in organized street racing and the vehicle has been specifically modified, we should allow the judge the discretion to impound that vehicle.

SENATOR HECK:

I concur and I think that vehicle should be impounded on the second offense, whether or not the vehicle is registered to the driver.

CHAIR NOLAN:

I would like the judge to have the discretion on the initial offense to impound the vehicle if the vehicle has been specifically modified for street racing. We will accept the amendment from the City of Henderson, [Exhibit F](#).

I would like to see language penalizing the individuals organizing the street race. If someone is profiting from organizing these street races, they should be punished. Does Las Vegas Metropolitan Police Department or the RPD have laws to prosecute race organizers?

LIEUTENANT WHAN:

The Reno Municipal Code has a spectator ordinance where a spectator could be found guilty of a misdemeanor. We do not have anything that specifically addresses the organizers.

MR. ROSHAK:

Clark County also has a spectator ordinance.

CHAIR NOLAN:

Do you feel that an organizer could be processed under the spectator ordinance?

MR. ROSHAK:

I believe Clark County's spectator ordinance is structured strictly for the spectator.

LIEUTENANT WHAN:

Reno's ordinance only addresses spectators. The premise behind this ordinance is that if the spectators go away then the racers go away.

CHAIR NOLAN:

In your experience, is there an individual organizing these street-racing events?

LIEUTENANT WHAN:

We have found that the organization takes place that night among the participants; it is a group consensus. They gather at a specific location to determine the time and location of the race.

MR. ROSHAK:

In southern Nevada we have found Web sites maintained by the different racing groups where they post the race locations and times. I also know there are after-market vendors that sell performance parts at the street races.

CHAIR NOLAN:

Should the bill subject these vendors to the same penalties?

MR. ROSHAK:

We would not object to this inclusion.

LIEUTENANT WHAN:

I do not object to this inclusion.

CHAIR NOLAN:

Ms. Wilkinson, please include this as another potential amendment.

MR. ROSHAK:

I have a concern with distinguishing between a vehicle's appearance that has been modified versus one that does not appear to be modified for street racing. A person might not modify the outside but modify the engine. We might miss some people by making this separation.

CHAIR NOLAN:

My thought was that somebody would conduct an assessment as to whether or not the vehicle had been modified internally or externally during or after the arrest.

LIEUTENANT WHAN:

Reno has the Hot August Nights event wherein these vehicles have been modified for street racing. My other concern involves search-warrant issues during the arrest or citing.

CHAIR NOLAN:

I will withdraw the suggestion.

LIEUTENANT WHAN:

The second offense might offer some challenges to law enforcement. An individual could be involved in a race tonight and not be convicted for that for six months. It may be six months before they appear in the system as a first-time offender.

CHAIR NOLAN:

Are you referring to the actual conviction versus issuing a citation?

LIEUTENANT WHAN:

Yes, I am.

MR. ANTHONY:

The way I understand the law, whenever a vehicle is impounded, the owner can request an impoundment hearing within 48 hours. They would still have a judicatory process on the impoundment issue.

CHAIR NOLAN:

I ask that you work with Ms. Wilkinson to incorporate the amendments. Ms. Wilkinson has indicated that we would need to include detention facilities in the bill. Ms. Wilkinson, are you clear regarding potential amendments to this bill?

MS. WILKINSON:

Yes, I am clear.

CHAIR NOLAN:

We will schedule a work session for March 1, 2007, to review the amendments and potentially take action on S.B. 43.

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CHAIR NOLAN:

We will close the hearing on S.B. 43. There being no further comments or business, this meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 4:32 p.m.

RESPECTFULLY SUBMITTED:

Lynette M. Johnson,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____