

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

**Seventy-fourth Session
February 20, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:35 p.m. on Tuesday, February 20, 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 John J. Lee
Senator Joyce Woodhouse

STAFF MEMBERS PRESENT:

Lynette M. Johnson, Committee Secretary
Dan Lindholm, Intern to Senator Nolan
Nicholas Marquart, Intern to Senator Nolan
Matt Szudajski, Committee Policy Analyst
Carolyn Allfree, Committee Secretary

OTHERS PRESENT:

Captain P. K. O'Neill, Chief, Records and Technology Division, Records and Identification Services Bureau, Central Repository for Nevada Records of Criminal History, Department of Public Safety
Pam Graham, B.S., R.N., Chief, Bureau of Licensure and Certification, Health Division, Department of Health and Human Services
Fergus Laughridge, Committee on Emergency Medical Services, Health Division, Department of Health and Human Resources
Rusty McAllister, Professional Firefighters of Nevada

Caroline Ford, Assistant Dean, Director, Center for Education and Health
Services Outreach, University of Nevada School of Medicine
Robin L. Keith, Nevada Rural Hospital Partners Foundation
Michael Heidemann, Executive Director, Nevada State Firefighters' Association
John Copeland, Chair, Battle Mountain Ambulance Department
Shaun E. Jillions, City of Henderson
Ted J. Olivas, City of Las Vegas
Rob Joiner, City of Sparks
William Kourim, Deputy Fire Chief, Clark County Fire Department
Ron Titus, Court Administrator and Director of the Administrative Office of the
Courts, Office of Court Administrator, Nevada Supreme Court
John Tatro, Judge, Justice Court II, Justice and Municipal Court, Carson City
Joan E. Neuffer, Staff Counsel, Office of Court Administrator, Nevada Supreme
Court
Rick Loop, Eighth Judicial District Court; Nevada District Judges' Association
Treasurer, Department 1
Lawrence J. Martinez, Director, Office of Homeland Security, Department of
Public Safety

CHAIR NOLAN:

We have a bill draft introduction, Bill Draft Request (BDR) 43-211, to study the protection of natural treasures. It was requested by Senator Dina Titus, Clark County Senatorial District No. 7.

BILL DRAFT REQUEST 43-211: Requires the Department of Transportation to fix a reduced maximum weight limit for vehicles traveling on certain highways. (Later introduced as [Senate Bill 128](#).)

SENATOR WOODHOUSE MOVED TO INTRODUCE BDR 43-211.

SENATOR CARLTON SECONDED THE MOTION.

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

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CHAIR NOLAN:

We will open the hearing on Senate Bill (S.B.) 38.

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SENATE BILL 38: Creates the Records and Technology Division of the Department of Public Safety to maintain the Central Repository for Nevada Records of Criminal History. (BDR 43-559)

CAPTAIN P. K. O'NEILL (Chief, Records and Technology Division, Records and Identification Services Bureau, Central Repository for Nevada Records of Criminal History, Department of Public Safety):

The Legislature, through S.B. No. 452 of the 73rd Session, created the Records and Technology Division. Due to an oversight, S.B. No. 452 of the 73rd Session was not codified within *Nevada Revised Statute* 480.130, which specifies that the Department of Public Safety "consists of" the following divisions. This bill will incorporate the responsibilities of the Central Repository for Nevada Records of Criminal History (Criminal History Repository) into the Records and Technology Division and remove it from the Nevada Highway Patrol.

CHAIR NOLAN:

As I understand, this is a cleanup bill to codify what already has been common practice.

CAPTAIN O'NEILL:

That is correct.

SENATOR CARLTON:

Will this bill change the way we access the Criminal History Repository?

CAPTAIN O'NEILL:

Everything will stay the same. Someone wanting a criminal-records check would come to the Records and Technology Division, instead of the Highway Patrol.

SENATOR CARLTON:

In the interest of full disclosure, my husband is an employee of the Department of Public Safety.

SENATOR HECK MOVED TO DO PASS S. B. 38.

SENATOR CARLTON SECONDED THE MOTION.

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

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CHAIR NOLAN:

We will close the hearing on S.B. 38 and open the hearing on S.B. 58.

SENATE BILL 58: Provides for the imposition of an administrative assessment for certain traffic violations to be used for the awarding of grants to volunteer organizations that provide emergency medical services. (BDR 14-221)

SENATOR JOSEPH J. HECK (Clark County Senatorial District No. 5):

I have provided you with a printed copy of my statement ([Exhibit C](#)). Rural emergency medical services (EMS) in Nevada are in a state of crisis. A March 27, 2006, article written by Jason Hidalgo in the *Reno Gazette-Journal* is included in the packet I have given you ([Exhibit D](#)). A three-month investigation revealed that "many rural emergency medical service crews are driving old and unreliable vehicles ... suffering repeated communication breakdowns and struggling to fill their volunteer rosters because of stricter post-9/11 training requirements."

The volunteer companies in rural areas receive no State funding and little federal funding. Even with millions of dollars made available by the Department of Homeland Security, no direct grant dollars are available for EMS. Emergency Medical Services must apply through grants available for fire service or compete with hospitals for health grants.

Senate Bill 58 will help fund rural EMS through an administrative assessment for certain traffic violations. The courts will be required to impose a \$5 assessment in addition to any other fine or assessment and the money will be deposited into a newly created Nevada Volunteer Emergency Medical Services Fund which will be administered by the Committee on Emergency Medical Services. Many other states use a similar mechanism to fund EMS.

The funding mechanism targets those who use EMS. There is a well-established connection between motor vehicle collisions, injuries and EMS transport. According to data provided by law enforcement agencies I have contacted,

582,249 violators were cited. Multiplying by the \$5 assessment, \$2.9 million would be raised for the EMS fund. Those of us who live in the urban areas have full-time, paid-professional EMS. Our fellow citizens in the rural areas should not have to depend on bake sales or car washes for response to a medical emergency. Quoting Mr. Hildalgo, the volunteers "are the people you rely on in rural Nevada on your worst day on the highway."

PAM GRAHAM (B.S., R.N., Chief, Bureau of Licensure and Certification, Health Division, Department of Health and Human Services):

I have provided you with a written copy of my testimony ([Exhibit E](#)). The Health Division already has in place a mechanism for receiving fees and granting funds for EMS services. There will be no additional cost to process the funds generated by this bill and, therefore, be no fiscal note.

SENATOR LEE:

This bill provides for something valuable to people who travel across our State. Why are they so underfunded? Is it because it is not in the Governor's budget? Can you give me a history of the money that goes into these programs?

FERGUS LAUGHRIDGE (Committee on Emergency Medical Services, Health Division, Department of Health and Human Services):

Currently the EMS program is a General Fund program. When EMS started in the State, they received federal funds through community block grants to help them establish the infrastructure in the rural areas. The federal funds have stopped.

CHAIR NOLAN:

Senator Heck outlined the needs. The greatest capital expenses are for newer vehicles. Is there a need for the \$2.9 million being generated each year by this bill? What will you do with it after new vehicles are purchased?

MR. LAUGHRIDGE:

There absolutely is a need for the funds. There are ongoing costs to maintain readiness, issues with respect to communications systems, aged vehicles to replace, special equipment needs and building upgrading.

SENATOR CARLTON:

Senator Heck, do you have a list of people who would apply for this money?

SENATOR HECK:

I do not have a written list. Every volunteer EMS agency within the State, primarily rural, would be eligible. The only requirement is to be a volunteer EMS agency.

SENATOR CARLTON:

Does that include search and rescue?

SENATOR HECK:

No, search and rescue organizations are not considered part of EMS within the statute.

RUSTY MCALLISTER (Professional Firefighters of Nevada):

I represent fire departments in all parts of the State with volunteer agencies performing emergency medical services. This bill would provide funding for vehicles, needed training and equipment. Typically, those agencies will get ambulances with 150,000 hard miles on them from private ambulance companies or metropolitan fire departments. We stand in support of this bill.

CAROLINE FORD (Assistant Dean, Director, Center for Education and Health Services Outreach, University of Nevada School of Medicine):

I draw your attention to our *Nevada Rural and Frontier Health Data Book* ([Exhibit F](#), original is on file in the Research Library). I will be quoting information from this book. I have also provided you with a written copy of my testimony ([Exhibit G](#)).

Rural EMS is in critical need of infrastructure support. Our rural and frontier areas are comprised of 87 percent of the State's geography, or approximately 95,000 square miles, and 11 percent of our population, or approximately 268,551 persons. This translates to a need for critical services by EMS not only to our citizens, but also to visitors who travel through our State. I attached a table showing you the distance of rural hospitals from tertiary care, Table 5.1 of [Exhibit F](#).

You will hear testimony from others concerning the time it takes to get on the scene and transport people to a rural hospital, then to tertiary care. Those delay times translate into morbidity and mortality and a great burden on the volunteers. The average distance between rural and urban hospitals is about 114 miles.

We have focused on providing an enhanced and increased level of education and training to move services from basic to intermediate. Some intermediate services are in danger of reverting to basic because there are not enough volunteers to keep them at a certified and licensed level. These are critical problems this funding would help alleviate.

MS. FORD:

Ongoing issues concerning rural EMS are aging personnel, retention of volunteers, availability of training courses and telecommunication classes, extensive time commitment due to the small number of volunteers, lack of infrastructure to support aging ambulances, the cost of equipment and supplies and increased costs associated with training, certification and licensing. We have vehicles ranging in age from 1 to 32 years, with 1,000 to 340,000 miles. They go off-road 50 percent of the time, yet only 20 percent of the vehicles have 4-wheel-drive capacity.

In 1999, we administered a legislative appropriation under tobacco settlement awards specifically directed to rural health. One-third, \$330,329, was devoted to EMS. We capped the grants at \$20,000 in order to disburse the money as evenly and as widely as possible. Needs were far greater. The range is wide and depends upon the type of vehicle or equipment needed.

There is a huge need in rural Nevada and we continue to document the nature of the needs. Having a fund we can count on, where people can apply for basic equipment and needs, is critical. Our office will assist you in any way we can.

CHAIR NOLAN:

Can you explain the differences between basic and intermediate services? I am sure it means a difference for survival where time and skill matter, and there is a difference in cost.

MR. LAUGHRIDGE:

The emergency medical technician (EMT) at the basic level is an individual who has received approximately 80 hours of education in emergency medicine to adequately maintain an airway and perform simple bandaging and treatment modalities. The next level is the Intermediate 85, which includes more advanced knowledge of airway maintenance, using endotracheal tubes and such and more in-depth knowledge of the physiology of diseases and injuries. The next level is

the paramedic. In our State, we are serviced primarily by intermediate EMTs, unlike ambulances in the urban areas which have full paramedics.

CHAIR NOLAN:

The difference between managing an airway and starting intravenous support and getting you to a rural hospital so you can be transported by Care Flight somewhere else is the difference between life and death. The expenses you are looking to offset are for the equipment and training to make that difference.

ROBIN L. KEITH (Nevada Rural Hospital Partners Foundation):

We are in support of this proposal. Our emergency rooms are the recipients of the victims in these cases and we see this problem firsthand. To Senator Lee's questions about funding, the State provides no funding for these local services. Funding happens at the local level and, because of the property-tax cap, there is even more intense competition for limited money than in the past.

We asked simple questions in the survey to which Ms. Ford referred earlier. The single most pressing EMS need was, overwhelmingly, for ambulances. We inferred from the assessments of conditions of the ambulances in rural Nevada that we need as many as 245 new ones. Because of the geography, these small communities cannot work with just one ambulance. With a fully equipped ambulance costing around \$200,000, it does not take long to go through \$10 million or \$15 million just in ambulances.

I would like to speak about education needs. We rely heavily on volunteers in rural Nevada. We have problems delivering education at the local level. People have to take time off from work or use their vacation time to travel to Reno and Las Vegas or wherever the training is offered. I am hopeful the funding can be used to help bring some of the education to the local level. We have a wonderful system of compressed video capability throughout rural Nevada and could teach at least some of the didactic content in that way.

SENATOR LEE:

If diminishing manpower continues, will the counties have to step forward and start doing the work the volunteers now do?

MS. KEITH:

A couple things will have to happen. I think there is a section of statute that says the counties are responsible for providing for the health and well-being of

the citizens. So, yes, the counties are responsible. If there is no other service available, the county would have to step in. Their ability to do that is much more constrained than it has been in the past. It would be a real problem.

MICHAEL HEIDEMANN (Executive Director, Nevada State Firefighters' Association):
I am a rural EMT intermediate. I am speaking in support of the bill, asking for your support. Training is a large issue due to people's time constraints and the increased cost of testing and conducting classes.

JOHN COPELAND (Chair, Battle Mountain Ambulance Department):
I am a paramedic as well as Chair of the Battle Mountain Ambulance Department in Lander County. Last fall, our commissioners declared us to be in a state of emergency because of lack of manpower. It is better now, but we are still understaffed at the intermediate level. I am trying to cover 24 hours a day, 7 days a week, with 5 intermediates. My newest ambulance will be 10 years old within a few months. I have one built in 1993 and one with 110,000 miles on it. We cover approximately 60 miles of Interstate 80 between Winnemucca and Elko County. We cover most of the way to Austin, and all the way to the Idaho border.

About three years ago, we were a paramedic service. We lost that because I am the only remaining paramedic in Lander County and I cannot provide coverage 24 hours a day, 7 days a week, by myself. A couple of months ago, we were close to losing our intermediate life-support service. I am fighting hard to keep it.

I have a letter supporting this measure from Pat Songer, Emergency Response Services Coordinator, Humboldt General Hospital ([Exhibit H](#)).

SHAUN E. JILLIONS (City of Henderson):
We are hesitant to advocate for any more administrative assessments. At the same time, we recognize the need for these critical EMS services. We spoke earlier with Senator Heck about this bill, and we offered an amendment ([Exhibit I](#)).

The amendment states that we will collect this administrative assessment of \$5 and we will send the money to the State for this program, but we are asking in the amendment for \$1 from the assessment to cover the cost of administration.

SENATOR AMODEI:

Can you tell us any other administrative assessments of which local agencies are receiving a portion? If there are others, what and how much are they?

MR. JILLIONS:

I cannot name any. The reason we thought it was appropriate in this instance is, where other administrative assessments benefit our citizens in some way, in this particular instance the citizens of the city of Henderson will not see a benefit.

SENATOR AMODEI:

Is the underlying premise that people in Henderson do not drive on rural roads in Nevada?

MR. JILLIONS:

They might see a nominal benefit.

SENATOR CARLTON:

You would be getting 20 percent off the top. Most administrative costs are much lower. How are you figuring the cost?

MR. JILLIONS:

We had 31,000 traffic violations in the city of Henderson last year. Our court administrator calculated it would take half the time of a full-time employee, which came to \$35,000.

SENATOR CARLTON:

I am having a hard time believing, with automation, it will take a full-time person half a week to administer this.

CHAIR NOLAN:

Does Henderson have a volunteer component to its rescue services?

MR. JILLIONS:

My understanding is that it does not.

Ted J. OLIVAS (City of Las Vegas):

We tried to determine what the fiscal impact would be as part of the Las Vegas Metropolitan Police Department and we were unable to do so. We see results

from other assessments we receive. We do not provide these volunteer services and that is why we have taken this position.

ROB JOINER (City of Sparks):

This is an important issue and we are not opposed to it, but we would receive no benefit from the assessments we would collect.

SENATOR WASHINGTON:

The cities have come before us, along with the courts and others, to ask us to assess fees for particular purposes. Here we have a bill that would accomplish some good things for rural Nevada, and cities and judicial courts are opposing the bill because of fees they would have to administer. I would like you to strongly consider how you want us to vote the next time you ask us for additional fees or assessments or any other costs you want to impose upon the citizens of this State. This is a good bill and it serves a just purpose. I would like you to consider those who have a need.

WILLIAM KOURIM (Deputy Fire Chief, Clark County Fire Department):

In my job in Clark County, I am responsible for the rural stations. Clark County covers 8,000 square miles. Outside urban Las Vegas, we have 13 rural fire departments supported by the Clark County Fire Department. Their tax base is limited. Last year, they responded to a little over 4,000 calls. Because of the challenge in time and distance from the urban Las Vegas Valley area, the volunteers not only protect their own communities but are called upon on numerous occasions to respond to outlying areas of Interstate 15.

From my experiences and relationships with individuals throughout the State of Nevada, I feel fortunate for the support we have in Clark County. Many areas of rural Nevada do not have the kind of support we have. As a good neighbor, we try to enhance and improve the operations throughout rural Nevada through the State Fire Marshal Division and certain other organizations within the State. This bill would provide another funding source to help improve the package. Those folks deliver emergency medical services to remote locations of vehicular or mining accidents. This bill will assist in training, linking them with computers, the EMS reporting system and online training and would provide continuity and consistency of training throughout the State.

RON TITUS (Court Administrator and Director of the Administrative Office of the Courts, Office of Court Administrator, Nevada Supreme Court):

We do not question the need for rural emergency medical services. We are opposed to the method of collection. It would be more appropriate to spread the cost across all users and not just those adjudicated in the courts. The Judicial Council of the State of Nevada, made up of representatives of all courts around the State, opposes the use of administrative assessments to fund special activities, especially when there is no nexus. It assesses citizens coming before the courts for services that everybody uses. Emergency medical services are not used for traffic accidents only. I have used the services and they were not for traffic accidents.

The line is blurred between the role of the Judicial Branch and the role of the Executive Branch for funding executive agencies. The assessment would apply not just to certain traffic accidents but to all traffic-related citations. Imposing a requirement on a small section of the community for a service used by many is an issue of equal protection.

Another issue is that the addition of any administrative assessment suppresses the fine at the local level, in the municipal court, justice court, even the State. As the administrative assessments go up, the courts and the counties or State are forced to limit their fines. Those fines go to the general funds of the cities, counties and the State.

JOHN TATRO (Judge, Justice Court II, Justice and Municipal Court, Carson City):
I am here on behalf of the Nevada Judges' Association. I have benefited from volunteers. I have been a volunteer. I was an EMT. Several of our rural court judges are volunteer firemen and emergency responders. They support all the needs of being a volunteer. Our objection to the bill is the effect it has on the local jurisdictions and communities. For instance, in Carson City, our court has been fairly self-supporting. The fines we brought in would pay our expenses. We are starting to not be self-supporting.

A big problem is that we have not been able to raise the amount of fines because the administrative assessment fees have gone up so high. We are not keeping up with inflation. Justice is not money; when I have a speeder or a reckless driver before me in court, I have to look at what constitutes justice. Justice many times is not the high dollar amount. On top of whatever fine we may impose, we impose an administrative assessment proportionate to the

amount of the fine. Single mothers with all kinds of issues need justice for their offenses, and I will consciously reduce a fine, thereby denying the county revenue.

Our entire association opposes this bill because we, the lower-court judges, impose the vast majority of collected administrative assessments. When you extrapolate it, you are reducing what would go to the county. Another big problem we have with the bill is the lack of a nexus between traffic fines and the variety of emergency services provided. While we support the cause, we oppose the bill because administrative assessments are too high.

SENATOR AMODEI:

I appreciate the concern, but administrative assessments are a big way we run many things in the courts and in the rural areas. I serve on the Senate Committee on Judiciary and I do not recall having this discussion when we consider rural legal services or funding indigent defense services through assessments in class actions. If this is a bad way to fund government, we ought to revisit assessments entirely.

Concerning a nexus, breaking traffic laws, according to insurance companies, is something that should cost you more money. I wonder what the data indicates for EMS responses that are or are not traffic-related.

It is surprising to have testimony from the courts indicating a problem with administrative assessments when we have relied extensively on administrative assessments to provide resources for you. If we are going to impose this standard in transportation, do we need to take a look at what the nexus of class-action suits is with Clark County Legal Services? This is in terms of consistency.

MR. TITUS:

The judiciary's view on administrative assessments is evolving and changing. The judiciary has had a Court Funding Commission and we are questioning the use of assessments to fund an independent third branch of government. I am hesitant to speak for the whole judiciary, but I think they would not be opposed to addressing the appropriate way to fund a third branch of government. As an independent branch of government, the basic functions of the court system should be funded by the General Fund. It serves everybody. There probably is a place for assessments to provide services beyond basics.

SENATOR AMODEI:

I have served on those commissions and I agree with the statement. You should not be funding any branch of government on administrative assessments. My context is that it is a mechanism for funding a public-safety thing. Do you have any thoughts on how to fund it? Are the courts given any resource for collecting administrative assessments?

MR. TITUS:

What should be funded by assessments, whether they impact the courts directly or not, has been defined by case law.

SENATOR AMODEI:

If we have a record that talks about nexus in administrative fees in the context of our existing administrative-fee structure, we probably have a record with a problem. I would be curious to know the nexus between class-action suits and other things.

MR. TITUS:

You may be talking about filing fees. That is where the class action is.

SENATOR AMODEI:

Should we change this to a filing fee? Does the nexus problem go away if we call it a filing fee?

MR. TITUS:

It probably does not.

SENATOR WASHINGTON:

The fees we are imposing are upon those individuals who have violated a State traffic statute. Is there any consideration on the Judicial Council's part as to how we would aid and assist individuals and not impose taxes or fees on citizens who have not violated the law?

MR. TITUS:

We have struggled with those issues. During the previous Session, we worked with Senator Heck to try to find ways. What it comes down to is an Executive Branch service being funded by a select few.

SENATOR WASHINGTON:

We have passed bills to fund and assess fees on behalf of the courts for various functions. Most people say it is another tax we have assessed on the general populace. Why do the courts not then take it upon themselves to impose fees to cover their administrative costs?

MR. TITUS:

It is my understanding that the judiciary does not have the authority to assess any fees except as allowed by the Legislature. A policy question is whether it is a user-funded mechanism or something that should be there for users. We have examined funding for the last two or three years. Senator Amodei mentioned the fee for indigent defense. Until recently, none of the money from filing fees went to the courts. In 2003, we instituted a multi-case filing fee where some of the money would stay with the courts to help fund senior judges in the court system. It was the first filing fee that benefited the courts. Most of the money collected through filing fees goes to the county general fund. How we fund things is a policy question.

SENATOR WASHINGTON:

I understand. Sometimes in our attempt to help, we do look for mechanisms. Because we have two major metropolitan areas, we have to find ways to subsidize the rural communities. We try to do it fairly and in balance, having violators pay the cost of their violations, without making it burdensome for the people of the State of Nevada.

JOAN E. NEUFFER (Staff Counsel, Office of Court Administrator, Nevada Supreme Court):

I want to echo the comments of Judge Tatro and Mr. Titus. The issues in the proposed law are the nexus between what a defendant does and where the funds go from that conduct. The other part is that the fine is eclipsed by administrative assessments that continue to grow. In this bill, the additional \$5 is the final assessment that would be collected before the fine began. It is not only about assessments and the requirement of a nexus, but it is also about continuing additional assessments attached, so many that the fine actually goes away. That is local money which needs to stay within the courts.

We may not be able to propose an alternative at this moment, but General Fund dollars and county dollars are issues that will be raised again and again. The funding source of administrative assessments is a great way to obtain funding.

The courts have an obligation to seek funding and the Legislature has an obligation to pass laws which provide for funding for the courts.

SENATOR CARLTON:

I want to follow up on something discussed earlier about its being in the Legislature's sphere to deal with all these fees. I believe this is the State's responsibility. I see this as public safety and a statewide responsibility. I do not see it as a legislative or judicial responsibility; I see it as an Executive Branch responsibility to provide for the citizens of the whole State. I am concerned that the assessments are going to start passing up the fines. The people who have the least are sometimes being asked to pay the most.

Rick Loop (Eighth Judicial District Court; Nevada District Judges' Association Treasurer, Department 1):

The judges agree with the need for rural emergency medical services. However, for the reasons you have been discussing, not one judge on the district bench would agree with the funding mechanism. I would encourage you to pursue alternative funding means.

SENATOR AMODEI:

I would like to hear alternatives your clients might have, other than the city or the county. The issue is something nobody opposes. To just say, "Not this way," is not helpful.

MR. LOOP:

I will take it back to the Legislative Committee of the First and the Eighth Judicial District Courts.

SENATOR AMODEI:

It is something we might ask our staff, too. What is being done in other states? It is a legitimate issue.

CHAIR NOLAN:

We will close the hearing on S.B. 58 and bring it back to the Committee as a Chair's prerogative. The issue has been well-framed. The need is there and the proposal before us is a way to fund a serious need. Finding a nexus is critical to our funding mechanism because, if we cannot make a nexus, we lose our ability to have control over how we fund these different types of programs.

I do see a direct nexus. If we are penalizing people for traffic violations and the only difference between a traffic accident where people are injured and an accident that simply elicits a fine is sometimes a matter of a few minutes, a matter of a police officer being in a particular location to stop a reckless or drunken driver or a speeder or as a visual deterrent, there is a nexus. The funding for EMS in urban areas also comes from grants that are not available to the rural areas.

People in urban areas do benefit from EMS in rural areas. A few weeks ago, a captain of the Las Vegas Fire Department traveling on a highway north of Ely was involved in a major accident in a snowstorm. He was critically injured, his daughter was critically injured, his son and wife were both seriously injured and the rural EMS responded in the middle of a whiteout snowstorm, stabilized them and got them to a hospital where a Care Flight was able to take them to Las Vegas.

This kind of thing happens all the time. We commute between Las Vegas, Carson City and Reno on rural highways. It could be our lives that are saved by the rural volunteers.

SENATOR HECK:

This is a policy issue. That is what the Legislature does. We decide policy. Points were brought up about assessments and a nexus. However, many current assessments are not to the benefit of all citizens. The Nevada Supreme Court, in *McKay v. City of Las Vegas*, 106 Nev. 203, 203 (1990), said reasonable assessments are not a tax as long as they are used primarily, not exclusively, for the improvement of the courts. It has been put into the statute. Courts receive 51 percent. Adding this \$5 assessment to even the smallest base assessment, which is \$25, would make it 16.67 percent of the overall base assessment. It is nowhere near in danger of tipping the 51-percent amount.

Other states have successfully implemented similar provisions based on data from the National Highway Traffic Safety Administration, which says and proves there is a nexus between traffic violations, accidents, injuries and the requirement to use EMS. It is shortsighted to look at all the other states that have implemented this provision, many of which go back 10 or 15 years, and say this is not a valid use of administrative assessments.

CHAIR NOLAN:

We will bring the bill back to Committee and schedule a work session and take action at that time.

We will now open the hearing on S.B. 90.

SENATE BILL 90: Revises provisions relating to the Nevada Commission on Homeland Security. (BDR 19-299)

LAWRENCE J. MARTINES (Director, Office of Homeland Security, Department of Public Safety):

I am here as a proponent of S.B. 90 and am also speaking on behalf of Dale M. Carrison, M.D., Chair, Nevada Commission on Homeland Security. The bill falls into two categories. Section 1 revises *Nevada Revised Statute* 239C.120 to change the status of the Federal Homeland Security officer from a voting to a nonvoting member of the Commission. Left out of this section by accidental omission is a provision to change the status of the Federal Bureau of Investigation special agent from that of a voting member to an ex officio or nonvoting member. Both are found to have a conflict of interest in terms of voting on federal funding to the Commission for the State, counties and cities.

The other part of the bill allows the Commission Chair to form ad hoc committees as needed, as opposed to being required to form a committee with only Commission members on it. Dr. Carrison has asked that this be added to provide for the appointment of experts and technicians to assist the Commission with complexities imposed upon us by the U.S. Department of Homeland Security. This gives Dr. Carrison more flexibility. I wholeheartedly support these changes.

CHAIR NOLAN:

I will disclose that I am a member of the Nevada Commission on Homeland Security. I am one of two nonvoting legislative members.

SENATOR CARLTON:

Will we be discussing the language on page 3?

MR. MARTINES:

The paragraph concerns compensation for service on the committee to the ad hoc personnel. There is no fiscal impact.

SENATOR CARLTON:

Whom are we trying to pay and why are they being paid differently from how they would be if they stayed in State service?

MR. MARTINES:

The Chair would like to reach outside State service personnel to bring together specialists in given fields to provide expertise to the Commission for making decisions on Homeland Security grants. The process has become increasingly complex and we need the experts on hand to help us sift through and interpret material presented to us.

CHAIR NOLAN:

There are subcommittees, standing and ad hoc, developed by the Commission to deal with complex issues such as communications and bioterrorism. Having experts in those areas is helpful. The purpose of this bill is to provide them with per diem and expenses as reimbursement for their work with the Nevada Commission on Homeland Security.

MR. OLIVAS:

We support this bill. I have been monitoring the Commission and it is important. We will be asking this Committee for representation on the Commission for the city of Las Vegas.

CHAIR NOLAN:

Do you have a bill draft request on the issue?

MR. OLIVAS:

Yes, we do.

CHAIR NOLAN:

I do not recall whether the Commission had a position on adding a representative from the city of Las Vegas. They do have a number of members from Clark County, and the city of Las Vegas has been participating on the Commission since its inception.

MR. MARTINES:

A letter was sent to Governor Gibbons by Dr. Carrison requesting that David Washington, Fire Chief, City of Las Vegas, be added to the Commission as a voting member. The Governor was in agreement.

CHAIR NOLAN:

We may want to combine the bill draft request with this bill by adding an amendment since it addresses the same section of statute.

SENATOR HECK:

The letter to the Governor requested that Fire Chief Washington be added as an at-large member. Am I correct?

MR. MARTINES:

No, he was to be placed on the Commission as a voting member should any openings occur when the federal officers are moved to nonvoting status.

SENATOR HECK:

Will he be 1 of the 14 voting members specifically listed in the statute?

MR. MARTINES:

That is correct.

SENATOR HECK:

Mr. Olivas, are you requesting the Fire Chief for the city of Las Vegas be included in the statute and not one chosen by the Governor?

MR. OLIVAS:

The wording is not specific to the Fire Chief. It just requests a representative from the largest city, with a population of over 400,000. I have not seen the exact wording, but it does not specify Fire Chief. Our concern is that we are at the mercy of the Governor. They have been good to us in having us on the Commission. If that would change, we feel we should be listed in the statute, as the largest city in the State of Nevada.

SENATOR CARLTON:

I am still trying to understand section 2. The new language states, "The Chairman may appoint any person he deems appropriate" We are adding that to a paragraph which already says the Chairman of the Commission can

choose anybody he wants. It is as if they would need no qualifications and no background. It could be anybody who wants to serve.

MR. MARTINES:

My understanding is that, under the current law, the Chairman can select various persons to ad hoc committees as long as a Commission member is also appointed to the committee. The Chairman is asking to be allowed to appoint specialists to ad hoc committees without the attachment of a Commission member. There are not enough Commission members to be spread to the various ad hoc committees. The committees will be composed of people with specific skills and the appointments will be short in duration.

CHAIR NOLAN:

We will close the hearing on S.B. 90.

There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 3:30 p.m.

RESPECTFULLY SUBMITTED:

Carolyn Allfree,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____