

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

**Seventy-fourth Session  
March 29, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 3:40 p.m. on Thursday, March 29, 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

**GUEST LEGISLATORS PRESENT:**

Senator Bob Beers, Clark County Senatorial District No. 6  
Senator Dina Titus, Clark County Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

Elana Graham, Assistant to Committee Manager  
Lynette M. Johnson, Committee Secretary  
Nicholas Marquart, Intern to Senator Nolan  
Matthew Pritchard, Intern to Senator Carlton  
Josh Selleck, Assistant to Senator Nolan  
Matt Szudajski, Committee Policy Analyst  
Sharon Wilkinson, Committee Counsel  
Carolyn Allfree, Committee Secretary

**OTHERS PRESENT:**

John L. Wagner, The Burke Consortium  
David K. Schumann, Nevada Committee for Full Statehood  
Patrick Boylan, Concealed Carry Weapons in Schools  
Robert Roshak, Sergeant, Office of Intergovernmental Services, Las Vegas  
Metropolitan Police Department  
Douglas M. Byington, Nevada Association of School Administrators  
Lynn Warne, Nevada State Education Association  
Dr. Craig Kadlub, Director, Government Affairs, Clark County School District  
Larry D. Struve, Religious Alliance in Nevada  
Julianna Ormsby, Nevada Women's Lobby  
Bryn Lapenta, Interim Assistant Superintendent, Washoe County School District  
John H. Emerson, California-Nevada Conference Board of Church and Society,  
United Methodist Church; Conference Committee on Children and  
Poverty, United Methodist Church; Nevada-Sierra District Council on  
Ministries  
Kenneth Young, Lieutenant, Clark County School District Police Department  
John Tatro, Judge, Justice Court II, Justice and Municipal Court, Carson City;  
Nevada Judges Association  
Paul Enos, Nevada Motor Transport Association  
Ron Levine, Nevada Motor Transport Association  
Charles K. Cerocke, Intermodal Division Chief, Nevada Department of  
Transportation

VICE CHAIR HECK

We will open the hearing on Senate Bill (S.B.) 286.

**SENATE BILL 286:** Authorizes teachers who hold permits to carry concealed firearms and who have completed a specified program of firearm training to carry concealed firearms on school grounds under certain circumstances. (BDR 19-1018)

SENATOR BOB BEERS (Clark County Senatorial District No. 6):

I have provided a printed copy of my testimony, along with a response by Keith Rheault, Superintendent of Public Instruction, Nevada Department of Education ([Exhibit C](#)). In 1989, the Nevada Legislature passed a law prohibiting adults from carrying weapons in schools. Prior to that, for over 100 years of Nevada's history, it was legal for an adult to carry a weapon in a school.

In 1989, testimony was given to the Legislature that the Clark County School District was having 14 expulsions a year related to weapons in schools. It was felt that a consistent set of rules for adults and children would reduce the number of expulsions. Now, with 18 years' experience and the current Clark County School District statistic of 50 to 80 expulsions a year, we can tell the strategy did not work. In the meantime, we have moved into an era of terrorism. Just four years ago, a group of terrorists took over a school in Russia ([Exhibit D](#)). They killed 160 children and almost as many adults.

This legislation aims to restore Nevada law, with some conditions that did not exist before, and take our children and schools off the list of easy targets for terrorists. We know from media accounts of interrogations with terrorists that terrorists shop for vulnerable locations in a society.

This bill requires the Nevada Commission on Homeland Security to prepare a list of places where teachers can obtain training and includes criteria that describe a 40-hour course which is comparable to and, in some cases, more intense than the weapons training our police officers go through. Upon completing the course, the individual teacher will be allowed to carry a weapon at school.

VICE CHAIR HECK:

There is no provision in the bill for periodic qualification.

SENATOR BEERS:

I am comfortable that someone who goes through this course and becomes certified is probably going to be training regularly, anyway. They probably were competent with weapons prior to becoming a teacher. We have a number of former military members who became teachers. However, if you want to put in such a requirement, I have no objection.

VICE CHAIR HECK:

The Russian incident is an excellent example. A book by John Giduck, *Terror at Beslan*, does an excellent exposé on it and highlights the need for protection of our schools and how schools are such soft targets. Likewise, the Columbine High School massacre in Littleton, Colorado, in 1999, is an example of how soft are school targets.

SENATOR WASHINGTON:

I do not see a provision for the administration or principals to have a list of the teachers qualified to carry concealed firearms.

SENATOR BEERS:

I would be agreeable to such an amendment.

VICE CHAIR HECK:

Is there any consideration for just making this a permit to carry a concealed weapon (CCW), without any restrictions?

SENATOR BEERS:

In order to gather support for this proposal, I decided on this set of requirements, which is stricter than for anybody else who is allowed to carry a weapon in our society.

VICE CHAIR HECK:

I want to disclose that I am a CCW holder.

JOHN L. WAGNER (The Burke Consortium):

We support this bill. However, it does not provide for the principal or vice principal. I assume they would be regarded as teachers. I hold a CCW and I know the extent of the training. It is eight hours, and you go out to the range and make sure you know how to use the weapon. Forty hours is five times more training. If we had had something like this in Columbine, a teacher would have had a gun in the cafeteria and might have saved a few lives.

In a case in Mississippi, a student who was in a hallway with a gun was subdued by a vice principal licensed to carry a weapon. The vice principal ran out to his car, got his gun and forced the student to drop his weapon. Other teachers took the student to the ground. However, the newspaper reported that he was subdued by teachers and said nothing about the weapon.

This bill is good. I do not see teachers going around shooting people, particularly the students or each other. We who have CCWs do not go around shooting people. Some of us do not even carry most of the time. It is important to have safety for our children. There should be safeguards. You should not carry your weapon where anybody can see it. Nobody should know you have it. A teacher

should not leave it in a purse. I am sure the training will take care of those issues.

DAVID K. SCHUMANN (Nevada Committee for Full Statehood):

We support this bill. It introduces sanity into a perilous situation in schools by providing for an adult who is capable of handling an armed thug. I had not thought of the terrorism aspect, because we have our own homegrown juveniles. The beauty of this, as illustrated in a book by John R. Lott, *More Guns, Less Crime*, is that having more guns around leads to uncertainty in the minds of the bad guys. Arming teachers will have a deterrent effect on some students who might carry guns. We are cranking out thousands of veterans, some of whom will become teachers. They will know how to handle guns.

SENATOR LEE:

I am looking at the Legislative Counsel's Digest portion of the bill. I see in line 3, " ... or the person has written permission from the principal ... to carry the concealed firearm." Is it possible to do this now, if you have permission from the principal?

SENATOR BEERS:

Under the current law, if the individual has a CCW and the principal's permission, yes, he would be able to carry. It bears noting that the requirements we are suggesting here for qualification far exceed those for a CCW. Nevada is an island broadcasting the vulnerability of our schools, surrounded by states with no restrictions on CCW permittees in schools.

SENATOR LEE:

The provisions in section 3, subsection 4, paragraph (d) have not been tested in Clark County.

PATRICK BOYLAN (Concealed Carry Weapons in Schools):

I was an elected member of the State Board of Education and finished my term in December. I am also an executive director of the Center for Strategic Analysis. I look at this bill more in light of homeland security and terrorism. We had a seminar in Las Vegas on homeland security, terrorism and school safety. I commend Senator Beers on taking such a risky move, but it is time we stood up and protected our children.

In the Mississippi case, the student had just slit his mother's throat and killed two children. His plans were to go on to a junior high school and kill more. If the vice principal had not had his weapon in his truck, he would not have been able to stop this student.

Recently, the Federal Bureau of Investigation (FBI) warned local police to be alert for Muslim extremists hijacking school buses. The FBI warns of members of foreign extremist groups, but is very fond of not identifying the groups, to be politically correct. They warn that these people are signing up to be school bus drivers. Last year, there was a surprise boarding of a school bus in Florida by two Saudi men dressed in trench coats.

Homeland security is my background. I just opened a bachelor's degree program in homeland security for Vincennes University. In the incident in Russia, 500 people were killed, including 172 children. Seventeen to nineteen of those girls had been raped, but you did not hear about it in the mainstream media.

Floor plans for our schools in Virginia, Texas and New Jersey were recovered from terrorists in Iraq. Videotapes found in Afghanistan show al-Qaida practicing school takeover. Osama Bin Laden said openly in his letter to Americans in 2002 that our children would be the next target. The most densely populated areas in America are our schools. If we are going to depend upon law enforcement to save our children, we are going to lose a lot of people. Our enemy is determined to hit us where it hurts the most. Let us not let it happen in our schools. This is to save our children.

ROBERT ROSHAK (Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department):

We have grave concerns about this legislation. We do not feel schools are the place for handguns. We have issues with the teachers' ability to maintain control of their handguns and the training they will have with regard to firearm retention. When I am working in uniform, I carry a holster that has three-way retention on it in case I am in a struggle. We have concerns with regard to a shooting that may occur in a school. Once police respond, we go into active-shooter mode. We will not know if there is a teacher with a handgun or the suspect. Training 40 hours, once a year, is not enough. In our agency, we go to the firing range four times a year. We have advanced officer safety training in which we conduct specific scenarios. We have training with regard to

shooting and picking out the target. We are trained to make sure what is behind the target is clear, in case we miss.

We have many concerns regarding this bill.

CHAIR NOLAN:

Sergeant Roshak, the previous speaker, Mr. Boylan, brought up a number of valid points. Law enforcement has looked at the domestic attacks in our high schools. We have enough here; we do not need to look at what happened in Russia. The biggest complaint regarding the Columbine incident was that law enforcement typically surrounds and secures the perimeter until a Special Weapons and Tactics (SWAT) team can organize and be on the scene. Law-enforcement officers were outside while the killings continued inside the school. I would like to know that Nevada has a better alternative to having armed people in the school when a shooter walks through and opens fire.

SERGEANT ROSHAK:

Following Columbine, law enforcement in southern Nevada took a good, hard look at how we do things. One of the things we were critical of was the typical law-enforcement mode to surround the building and wait for the cavalry. As a result of Columbine, with our SWAT team we developed the active-shooter program. Now, once four officers have responded, they immediately make a team and make entry. Their whole mission is to find the shooter and eliminate the threat. If there were school police in every school, there may be a trained person to respond. If a teacher had a weapon in a vehicle and was capable and able to respond, it probably would help. However, overall, it is just not wise.

DOUGLAS M. BYINGTON (Nevada Association of School Administrators):

We oppose this bill because weapons have no place in schools. The carrying of a weapon should be left to the properly trained police.

LYNN WARNE (Nevada State Education Association):

We are also opposed to this bill. We are confident that local law enforcement has examined the mistakes made at Columbine and we would leave it to their expertise to handle any sort of defensive measures that may need to take place in a school. I am a parent of a 12-year-old in middle school, and I am concerned for his safety. I appreciate Senator Beers' concerns, but we are concerned that teachers with this training would not be able to maintain control of their weapons or receive the training they need to control an armed thug. We need to

leave that in the hands of local law-enforcement personnel trained to respond to such situations.

DR. CRAIG KADLUB (Director, Government Affairs, Clark County School District):  
We appreciate the intent to keep students safe. If you truly believe schools are dangerous or vulnerable places, we would prefer that you leave it to the professionals and augment our police force with additional officers.

SENATOR LEE:

Why was the caveat left in the bill that, with the principal's permission, someone can carry a concealed weapon?

DR. KADLUB:

I have not studied that, but we were aware that a person could currently carry a concealed weapon in a school with the principal's permission. I do not know the history.

SENATOR BEERS:

I read the minutes of the hearings in 1989. The reasoning given for the ban was that by having a similar set of rules for both adults and children, the number of students expelled for carrying weapons would be reduced. It was woefully unsuccessful.

SENATOR WOODHOUSE:

In the Clark County School District, we had community speakers who came into the schools. They were from the police department and from the juvenile court system and came in wearing concealed weapons. Those were approved by the principal.

CHAIR NOLAN:

Dr. Kadlub, how many police officers does the Clark County School District have? Is there an officer stationed at each high school? What is the deployment of the officers? I am referring to the largest school district in the state; I have the same concerns about the Washoe County School District and others. What is the current status of security at our schools?

DR. KADLUB:

We have approximately 135 officers on the force with another 25 in training. The middle schools with more than 1,500 students can request an officer. Each



of the high schools has at least one officer. Most other officers are roving officers and serve multiple schools.

SENATOR CARLTON:

We had about 15 guns in schools 18 years ago. What was the population of the Clark County School District then?

DR. KADLUB:

The population has approximately doubled every ten years. It would have been approximately 80,000 to 100,000 then.

SENATOR CARLTON:

We are told there are approximately 50 guns in schools now. Is that correct?

DR. KADLUB:

That is what Senator Beers indicated.

LARRY D. STRUVE (Religious Alliance in Nevada):

The Religious Alliance in Nevada (RAIN) is a coalition of five mainline denominations throughout the state: Roman Catholics, Presbyterians, Episcopalians, Lutherans and Methodists. The RAIN board met yesterday and instructed me to express their opposition to this bill. They feel school is a place to teach people how to make peace and not to aggravate what is already a culture that relies heavily on the use of weapons for solving problems. Another aspect of this bill that concerned RAIN is that it may promote people taking the law into their own hands, whether or not there is a perceived terrorist threat.

I was a new deputy district attorney in Washoe County in the early 1970s when a school teacher with a gun went into the principal's office and shot the principal in the head. We dealt with the fallout from that throughout the county. We believe the current law allowing a principal to authorize someone to carry a firearm in a school is adequate. To give blanket permission for teachers to get concealed weapons into the classroom and wait for a perceived threat to occur may bring us back to a time when those who had weapons may have acted irresponsibly.

JULIANNA ORMSBY (Nevada Women's Lobby):

We are concerned with children's safety in the schools, but we do not believe arming teachers is the solution to the problem. We, too, oppose this bill.

MR. BYINGTON:

I remember why principals were allowed to approve carrying a weapon. In rural counties, students came to school with rifles in their cars so they could go hunting after school. Rural counties pressed for the law to make provision for that.

BRYN LAPENTA (Interim Assistant Superintendent, Washoe County School District):

We oppose this bill.

JOHN H. EMERSON (California-Nevada Conference Board of Church and Society, United Methodist Church; Conference Committee on Children and Poverty, United Methodist Church; Nevada Sierra District Council on Ministries):

I represent three agencies of the United Methodist Church in northern Nevada that advocate for justice. We oppose the bill for all the reasons already mentioned.

SENATOR BEERS:

I wish we had a society that could be comfortably disarmed, but history is merciless in its many examples of how societies need to band together to defend themselves. It is one of the big reasons we have government. I wish we could leave it to the professionals, but as we heard from our largest school district, there may be one officer for every other school. I do not think they can do an adequate job. Most important, today our *Nevada Revised Statutes* assure terrorists that they can have their way in our schools. I would like to get our schools off the list of easy targets so we can join other states that do not broadcast a policy of making vulnerable targets even more vulnerable.

CHAIR NOLAN:

The Nevada Commission on Homeland Security established a statewide inventory of potential targets and our vulnerabilities, and our education system was included. While the assessment has confidential information, we will find a way to get the information to Committee members to assist them in processing this bill. We will also inquire of the individual counties and their school districts what are their security levels.

KENNETH YOUNG (Lieutenant, Clark County School District Police Department):

We oppose this bill. Several questions came up regarding school district police policies. We would like you to think about training. Police officers across the nation are armed with several things, not just the ability to use a weapon. Without all of the other training that police officers go through, you give teachers two options, fight or flight. That is a tragedy waiting to happen. I can answer questions you have concerning school police policies here in Clark County.

CHAIR NOLAN:

We are going to ask for information in writing. I am reluctant to air the security levels of our schools over the Internet and in a public forum.

SENATOR WASHINGTON:

What procedure is in place for responding to a shooter in the schools?

LT. YOUNG:

After Columbine, all officers nationally took a similar style of training. I cannot tell you the actual techniques we use, but all officers from any department can rapidly deploy into a building to seek out the potential shooter or target.

SENATOR WASHINGTON:

Is there a set time in which to locate or subdue a shooter?

LT. YOUNG:

The tactic now is to go in immediately. There is not a set time; as soon as officers are assembled. This normally happens within minutes of the alert.

SENATOR WASHINGTON:

Would a single officer enter or would he wait for backup?

LT. YOUNG:

Because it is a tactical approach, I cannot give you specific details. We have two officers assigned to every high school. There is a cadre of officers that would go to a school if there were a possible shooting. The officers would go in as a team. We have specific numbers set up. After Columbine, there is a minimal wait time.

SENATOR WASHINGTON:

People have opposed Senator Beers' bill, but nobody has offered any solutions to address the problem. Has law enforcement tried to recruit and train teachers in procedures to control the situation until law enforcement arrives? Are teachers part of the procedure?

LT. YOUNG:

They are, but not from the physical aspect. There is a plan for each teacher to get his students to a safe location.

CHAIR NOLAN:

I have received written testimony opposing this bill from Shirl Moore-Byas of the Northern Nevada Multicultural Alliance ([Exhibit E](#)). We will include it in the record. We will now close the hearing on S.B. 286 and open the work session with S.B. 41.

**SENATE BILL 41**: Revises provisions governing an ignition interlock device upon conviction for driving under the influence of intoxicating liquor or a controlled substance. (BDR 43-267)

MATT SZUDAJSKI (Committee Policy Analyst):

Senate Bill 41 gives judges the discretion to determine whether to order the installation of an ignition interlock device on the vehicle of a convicted Driving Under the Influence (DUI) offender, provided the offense is punishable as a misdemeanor and the offender's alcohol concentration was 0.18 percent or more.

There are two amendments for S.B. 41 ([Exhibit F](#)). The first comes from the Nevada Judges Association, the second from Senator Maggie Carlton, Clark County Senatorial District No. 2.

SENATOR LEE:

I have a memo from Judge Stephen J. Dahl, North Las Vegas Township Justice Court, Department 1, Clark County ([Exhibit G](#)). It says that if someone has an alcohol level of 0.18 percent or higher, the installation of an interlock device is required. No extra monitoring or testing is required for those convicted of a drug-related DUI, even if they have five or ten times the amount of controlled substance allowed under the statutes. Are we holding alcohol incidents to a higher threshold than drug incidents?

CHAIR NOLAN:

My understanding, based upon the testimony we have heard, is that the judiciary has wide discretion on the penalties that can be imposed, including various monitoring devices, in-house detention, probation, urine tests and drug treatment. However, the interlock device is the only device activated by alcohol.

SENATOR LEE:

These people are not all walking. They are driving and are involved in the same things as people who use alcohol.

SHARON WILKINSON (Committee Counsel):

As the law is written now, the interlock device would go on someone's car only if they had an alcohol-related offense. It would not apply to drug-related DUI offenses.

SENATOR LEE:

Looking at the youth of today, drug use is as prevalent as alcohol use.

JOHN TATRO (Judge, Justice Court II, Justice and Municipal Court, Carson City; Nevada Judges Association):

We are seeing more and more drug DUIs. The interlock does not do anything for them. Interlock is a great device, but it just keeps someone from driving one or two cars. The Nevada Judges Association would like to try to stop the drinking. There is new technology available. One is a Global Positioning System (GPS) device which also senses alcohol. Another is a device called Secure Continuous Remote Alcohol Monitor (SCRAM) which instantaneously detects alcohol in someone's system. We think it is better to have discretion.

SENATOR LEE:

So, if we do not do something to allow you the discretion to use the new technology, you will be stuck for two more years with a mandate to use the interlock.

JUDGE TATRO:

That is correct. We do not want to be restricted to one piece of technology.

SENATOR CARLTON:

Under this first amendment, who would choose the device and what would be the criteria? I do not want one particular judge deciding to use one particular

item and not base his decision on success rates, how readily available is a device and such.

JUDGE TATRO:

That is the way the law is now. We are confined to the interlock device.

SENATOR CARLTON:

How would you have decided what device to use before the interlock?

JUDGE TATRO:

Before the interlock, the technology was not very advanced.

SENATOR CARLTON:

Why do we need this bill? Why do we not just remove the interlock mandate?

JUDGE TATRO:

I would prefer that. We are not opposed to being required to order some sort of device; we just do not want to be restricted to one kind.

SENATOR HECK:

Does the GPS device prevent the vehicle from starting? How does it work?

JUDGE TATRO:

The GPS has nothing to do with a vehicle. It is a tracking system that attaches to the ankle. If the person wearing it goes someplace he is not supposed to go, it sounds an audible alarm to the person wearing it, at our Department of Alternative Sentencing and at the company that provides it. Our Alternative Sentencing Department calls him on the GPS and tells him to get out of that location. It is a tracking device, and now we will be able to measure the alcohol level. I always order a DUI not to drink any alcohol. If this senses alcohol, we know right then and can take them to jail before they drive a car.

SENATOR HECK:

This device detects alcohol through the skin, is that correct?

JUDGE TATRO:

That is correct.

SENATOR HECK:

I appreciate this amendment, because it is stricter than what we have now. It allows you to do things for someone who is under the influence of a controlled substance, not just alcohol. It keeps the "may" for the less than 0.18-percent level and the "shall" for the greater than 0.18 that is in the current law. My only concern is that something like the drug-monitoring patch does nothing except take a once-a-week snapshot. You do not know if they have been driving or where they have been. I appreciate what we are trying to accomplish, but I do not want to put in some loophole such as a random drug test if they are not on a GPS monitor. I hope we can take out the technologies that may be too easygoing and concentrate on giving you the flexibility for those technologies that are the most beneficial.

JUDGE TATRO:

The Department of Alternative Sentencing would be the program that would best protect the public safety. The way this is written, I could tell the violator to report either daily or weekly to the Department of Alternative Sentencing.

SENATOR HECK:

That is my concern. What happens in that week between testing when there is no other monitoring device?

JUDGE TATRO:

We do not object to tightening up that wording.

CHAIR NOLAN:

I want to make sure I understand the proposed amendment. Are you comfortable with the language as written, or do you want to tighten it up?

SENATOR HECK:

I would like to tighten it up so, while we will allow the judiciary flexibility, they will not put somebody into random drug or alcohol testing just once a week. We need to know what is going on the other six days.

SENATOR AMODEI MOVED TO AMEND AND DO PASS S.B. 41 WITH THE AMENDMENTS OF JUDGE TATRO AND SENATOR HECK.

CHAIR NOLAN:

Senator Lee was contemplating a potential amendment as well. Perhaps we can wrap it in.

SENATOR LEE:

I still feel the drug issue is just as important as the alcohol issue, but the Assembly can work with that.

CHAIR NOLAN:

The proposal by Senator Heck and Senator Amodei might encompass what you are trying to accomplish, which is to give the judiciary more flexibility with alcohol DUIs and with those people who are under the influence of some other type of drug.

Judge Tatro, please provide us with information regarding the number of times the interlock devices were used. There were no data available for us to see. Ask the Association to provide us with information regarding the types of devices you are using and the types of sentences you initially hand down on these issues. We will look at that information during the next session.

SENATOR CARLTON:

Does this all revolve around the 0.18-percent level? What do we do now for levels under 0.18? Can you still do all these things? This is specifying that at 0.18 this has to be done, but you can already do it.

JUDGE TATRO:

That is correct.

SENATOR CARLTON:

So, what is this bill accomplishing?

JUDGE TATRO:

It is adding drugs.

SENATOR HECK:

And, it is removing the restriction of having to use the interlock and expanding the possibilities the judiciary possesses.



SENATOR CARLTON:

It seems to me that, if we strike interlock, it would be a lot easier than amend, do pass, bring back the amendment and start all over. Two sets of brackets and a red line are all we need.

CHAIR NOLAN:

We can accomplish things either way, but with regard to trying to move this bill and the litany of bills we have in Committee, I am hoping the Committee has a sense of comfort with Senator Amodei's motion. When it gets over to the Assembly side, we can let them wordsmith it some more.

Ms. Wilkinson, please summarize the amendments for us.

MS. WILKINSON:

The motion would be to adopt the amendments provided by the Nevada Judges Association, taking into account Senator Heck's concerns that the judges not be allowed to just send someone to random testing once a week but to also incorporate the new technologies.

SENATOR HECK SECONDED THE MOTION.

SENATOR HECK:

With the device designed to monitor and measure drug or alcohol, would there be an objection to the phrase "real time"? Otherwise, you can put a monitoring patch on that does not accomplish the purpose intended.

JUDGE TATRO:

Absolutely, that is what we are planning.

CHAIR NOLAN:

Would the maker of the motion accept an amendment to the motion?

SENATOR AMODEI:

Yes.

SENATOR LEE:

I do not understand the 0.18 percent on the drug issue. How does it work compared with measuring controlled substances in someone's system?

JUDGE TATRO:

That might be better addressed by Senator Heck.

SENATOR HECK:

In statute, there are specific amounts of prohibited substances that have to be present before a person can be charged with a DUI. This bill says that less than 2 times that amount or more than 2 times that amount is analogous to an alcohol level of less than 0.18 percent or more than 0.18.

SENATOR LEE:

I appreciate that. I think Senator Heck has answered all my questions.

SENATOR CARLTON:

I am opposing this motion, because I think we are making the same mistake we made two years ago and the judges will be back in two years to have it straightened out. Because of the way this is written, with all the variables and the talk of mandatory treatment, I will have to oppose it.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

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CHAIR NOLAN:

We will close the hearing on S.B. 41 and open the hearing on S.B. 91.

**SENATE BILL 91**: Requires the Department of Motor Vehicles to collect and publish certain information concerning schools and courses that provide training or instruction to drivers. (BDR 43-996)

MR. SZUDAJSKI:

Senate Bill 91 directs driving schools and the State Board of Education to maintain and submit on an annual basis to the Department of Motor Vehicles (DMV) certain records concerning drivers' education.

This bill has one amendment ([Exhibit H](#)). It is an amend-as-a-whole amendment proposed by the Senate Committee on Transportation and Homeland Security to offer S.B. 91 as a resolution urging the DMV to develop a tiered classification system to evaluate and rate driving schools.

CHAIR NOLAN:

We recall the testimony on this bill. There would have been a fiscal note. The purpose of the bill was to try to improve the quality of driver education. It seemed to make a lot of sense, but it was not a viable option. In discussions with Virginia (Ginny) Lewis, Director, DMV, it was decided to evaluate the businesses that offer driver education. Those that provide the services as required in the statute are considered to be average. Those schools that provide superior levels of training and offer additional programs could be rated as superior. Those that are not complying and are under some type of probationary status might be given a different marking. The evaluations could be posted on the Internet for people looking for a school for driver training.

Requiring the DMV to do this brings about a fiscal note. However, a resolution on behalf of this Committee to the DMV would provide the impetus to start to conduct that type of process and, perhaps, include the rating system, give them a chance to look at it and determine what the cost would be and prepare it for the next Legislative Session. The amendment was generated by me based upon my discussions with the DMV.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS S.B. 91.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will close the hearing on S.B. 91 and open the hearing on S.B. 128.

**SENATE BILL 128**: Requires the Department of Transportation to fix a reduced maximum weight limit for vehicles traveling on certain highways.  
(BDR 43-211)

MR. SZUDAJSKI:

Senate Bill 128 requires the Nevada Department of Transportation (NDOT) to establish a reduced maximum weight limit for vehicles passing over designated scenic routes if the NDOT determines that conforming to the maximum weight

limits otherwise set by law is likely to result in a dangerous or hazardous condition.

There are two amendments to this bill ([Exhibit I](#)). The first is from Senator Dina Titus and is an amend-as-a-whole amendment. The second amendment comes from the Committee and encompasses all of the provisions of the first amendment, except that it adds a timing limitation.

SENATOR DINA TITUS (Clark County Senatorial District No. 7):

I took to heart the criticisms of the bill as it was originally written as being too broad. Those criticisms came from the trucking industry, from the Associated General Contractors of Las Vegas (AGC) and even from the NDOT. The NDOT agrees with this amendment, but wants to put it off until 2010. That, in effect, guts the bill. I talked to Steve Holloway and he told me to tell you AGC is onboard with the bill, with my amendment.

PAUL ENOS (Nevada Motor Transport Association):

We have an amendment to offer ([Exhibit J](#)). In speaking with my members who use State Route (SR) 159, many do so because it is extremely difficult to get a permit for an oversized or overweight vehicle through Clark County. A bill will be coming before you shortly that we hope addresses that issue. Since our members are using this route as a way to bypass the permitting system through the county and get just a state permit and it is not necessarily affecting local traffic, we would be comfortable with an amendment that would prohibit oversized and overweight vehicles on SR-159, effective January 1, 2008. Oversized, overweight vehicles are trucks that weigh over 80,000 pounds.

This will not have an impact on local delivery and you will not have to try to enforce local traffic, trying to decide whether they have a purpose of that route.

SENATOR TITUS:

I am opposed to that amendment. The difference between 26,000 pounds and 80,000 pounds is huge. Mr. Enos said they use the road to get around the concerns of Clark County. There is a lot of traffic on this road. The traffic includes bicyclers, hikers, wild horses and burros, people out for a scenic drive and traffic from development on the south side of the road to Pahrump.

If you need until January 1, 2008, to enact the provision that I have proposed as an amendment, I can understand that, but to go to 80,000 pounds just to help them get around a provision is a move in the wrong direction.

SENATOR WASHINGTON:

Mr. Enos, if we adopt the bill with Senator Titus's amendments and exclude yours and the permit process does not go the way you want it to go, where would these vehicles travel to transport their loads?

MR. ENOS:

That is difficult to say. Most of them would probably be diverted onto SR-160. There are some major issues on that road and that is why many of the people are using SR-159.

SENATOR WASHINGTON:

What are the difficulties on SR-160?

MR. ENOS:

Not being a resident there, I am somewhat unqualified to answer. However, Ron Levine, our Director of Government Affairs, drives the road occasionally.

SENATOR TITUS:

State Route 160 is the road to Pahrump and it is a priority road with the NDOT. They are in the process of widening that road. It is out to Rainbow Road and will go to the Blue Diamond Road cutoff. That road is being widened to accommodate this kind of truck traffic.

RON LEVINE (Nevada Motor Transport Association):

State Route 160, also known as the Blue Diamond Road, is one of the most congested highways in Las Vegas. If you prohibit trucks on SR-159, you will send them to SR-160, where we already have congestion and a high fatality rate. This will only increase the danger for our citizens.

CHAIR NOLAN:

I was part of a study group that looked at the problems of SR-160 recently when the number of fatal accidents on the west end of SR-160 was growing. It was enough of a concern that a task force of local law enforcement, highway patrol, the NDOT, the Regional Transportation Commission (RTC) and public works was established to look at it. Part of the problem was that, with only

two lanes in each direction and no median barrier, large, slow-moving trucks were causing traffic to try to pass them, often crossing into the other lane and resulting in head-on crashes. We have to be mindful of having some type of alternative routing for the trucks that are currently using SR-159.

I agree with you. We have to get the trucks off this loop and out of the Red Rock Canyon. The Red Rock Canyon is one of two major natural recreational areas in southern Nevada, and the larger trucks do make it a hazardous situation for the people trying to enjoy it. At the same time, we do not want to do it at the expense of creating a greater traffic problem than we already have on another highway.

SENATOR TITUS:

I would remind the members that the Blue Diamond Road comes into SR-160 below Rainbow Road, and most of the accidents occur on the other side of the Blue Diamond Road, between there and Pahrump. Most of the congestion is on the east side, between there and the freeway. So, even if you leave them on the Red Rock Road, the congestion will still exist because they are turning onto SR-160 from the Blue Diamond Road.

CHAIR NOLAN:

A number of the accidents we have had were at the Rainbow Road and the Durango Drive intersections on the east side. You are correct. Historically, a lot of the accidents have occurred on the mountain pass and down that way. With the amount of congestion and the development of Mountain's Edge, without road improvements, we have been seeing a lot of accidents. An additional concern was that the Township of Blue Diamond, which I represent, has a gas station and a small store. It, as well as Bonnie Springs, receives gas shipments from large trucks and deliveries to the store.

SENATOR TITUS:

They would be exempted because the bill says any truck that does not have a destination somewhere along the route would be prohibited. They would all have a destination because they would be making deliveries. This also would take care of utility trucks and trash trucks.

SENATOR LEE:

Where does the scenic highway actually start?

CHARLES K. CEROCKE (Intermodal Division Chief, Nevada Department of Transportation):

I do not know the exact location. It is approximately at the Lake Mead National Recreation Area, near the detention basin. The scenic byway would end before the gypsum mine, over toward SR-160. State Route 159 goes all the way from Nellis Boulevard to State Route 160.

CHAIR NOLAN:

We have Senator Titus's amendment and a second amendment that would include Senator Titus's amendment. Based upon the testimony of the NDOT and the RTC that they were in the process of establishing an alternate route for trucks, the timeline we have is 2010. It is more of a Committee time frame.

MR. SZUDAJSKI:

I do not remember a specific timeline for the alternative route, other than that the RTC acknowledged they were in the process of developing such a route.

CHAIR NOLAN:

Without knowing the implications of rerouting commercial truck traffic onto SR-160, I am a little hesitant. I absolutely agree with the intent of the bill, Senator Titus. I just do not want to create one hazardous situation by taking away another. I want to process the bill, but I do want to do a traffic count of commercial vehicles to try to figure out the extent of the problem. The number of commercial trucks on that route and the number that would be diverted off of it onto SR-160 is information that has not been presented to us.

What I would like to do is entertain a motion to amend and do pass with either or both amendments. In the meantime, we will try to get the information we need and it will be heard in the Assembly Committee on Transportation, where Senator Titus may have it amended. Or, we can hold the bill and try to get to a level of comfort that we are not creating another hazardous traffic situation.

SENATOR CARLTON MOVED TO AMEND AND DO PASS S.B. 128 WITH SENATOR TITUS'S AMENDMENT, WITH THE CONSIDERATION OF THE 2008 IMPLEMENTATION DATE, NOT THE LANGUAGE FROM THE NEVADA TRANSPORT ASSOCIATION, AND WITH CHAIR NOLAN'S RECOMMENDATION TO OBTAIN MORE INFORMATION.

SENATOR CARLTON:

I know SR-160 is being improved and is in the process of changing quickly now. I would be comfortable in processing this bill and having the trucks on SR-160. I have driven all over the country and seen "No Through Truck" signs. I do not think it will be a unique situation to have the sign posted at the Red Rock curve.

SENATOR WOODHOUSE SECONDED THE MOTION.

SENATOR AMODEI:

I support the intent of the bill and the January 1, 2008, date. However, it is reasonable to know what is being considered for the alternative routes. We cannot just get the trucks off SR-159 and not worry about the consequences. The RTC and the NDOT ought to be able to tell us in fairly short order. We ought to be entitled to answers so we have some idea of what we are doing to the people who are driving in that part of town.

My other concern is the precedent being set for a scenic route. It would be nice to have some other criteria. We do not want to set a broad precedent for getting trucks out of neighborhoods. We need more specificity.

I would like the information before I vote for the bill, and I would like it in a timely manner so it does not put the bill in the position of being killed from inaction.

SENATOR WASHINGTON:

I would like to support the bill, but I would like some answers, too.

SENATOR CARLTON:

We are having all of these discussions about alternate routes. I live on an alternate route. Bonanza Road is a state highway. Charleston Boulevard is a state highway. We have Interstate (I) 15, I-95 and all these other roads that are state highways within Las Vegas and Clark County. There are other roads these trucks can utilize. The purpose behind this bill is a scenic route. I understand the Nevada Transport Association's problem with this. It has always been "Not in My Back Yard." Years ago, we heard, "Give us services, but we do not want taxes." I understand how this works. Everybody wants something, but they do not want it in their back yard. The uniqueness of Red Rock Canyon is that it is a highly used recreation area and it is the jewel of southern Nevada. It deserves to be protected. There are other routes these trucks can take, and we are giving



them time to get the permits. I do not believe this bill is going to stop truck commerce in southern Nevada.

SENATOR WOODHOUSE:

Where would the oversized, overweight vehicles go after January 1, 2008?

MR. ENOS:

That will be up to the NDOT. When you have an oversized, overweight vehicle, you have to get a permit through the NDOT and they approve the route you will take.

SENATOR LEE:

My heart is with this bill. This 19-mile stretch is a valuable piece of real estate for outdoor enthusiasts, naturalists and people who enjoy the outdoor experience. Truckers will plan their routes accordingly. We have limited the number of homes that can be built in the area and we are buying the property from private parties. The Boy Scout camp, which is just up the hill, is now going to be sold for development. If we do not do something now, it will be impossible to preserve this area later.

SENATOR TITUS:

I speak with reference to Senator Amodei's remarks. When Mr. Enos was giving his testimony, he did not say there were not alternate routes. He said it was hard to get permits on the alternate routes and that is why they went on the Blue Diamond Road. It was because it was a state road, not a county road, so they did not have to get permits. It does not mean there are not other roads they can use as long as they follow the rules and get permits. It is not that this is the only route; it is the easiest route.

CHAIR NOLAN:

A good friend of mine was killed by a truck on that route. He was riding a bike and was hit with a mirror. Large trucks around pedestrian and bicycle traffic is inherently a bad mix, let alone a detraction from the scenery which Red Rock Canyon affords. Red Rock Canyon is one of two or three places we have in southern Nevada where people can get away.

What I would like to do is hold the bill and ask the NDOT and the RTC to come back with a truck count on that highway over the next week and the proposed alternative routes and the timeline to implement them.

We understand why truckers are using this route. It is to get around the west end of the valley from one major thoroughfare, the Blue Diamond Road, across to access I-215 or I-95 on the north end of the valley. The only roads that really intersect at the west end are Durango Drive, which is a two-lane, narrow, unlit road, and Rainbow Road, which goes over to I-215 and is at capacity. Fort Apache Road is coming through because a new high school is being built, and I would hate to see truck traffic routed past the high school.

So, I am going to vote against the amendment. I support the bill. We will ask the NDOT and the RTC to come back next week with some critical information.

SENATOR WASHINGTON:

There is another piece of legislation that will aid in the permit process. Where is the legislation now?

MR. ENOS:

The bill, S.B. 450, has been introduced, but has not yet been scheduled for a hearing. It is for this Committee.

**SENATE BILL 450**: Makes various changes to provisions relating to the regulation of oversized and overweight vehicles. (BDR 43-1140)

SENATOR WASHINGTON:

Mr. Chair, can we hold the vote and consider both bills at the same time? That way, we will have the opportunity to provide some relief for the trucking industry.

CHAIR NOLAN:

Senator Titus, what you are hearing is support for the bill. There is not opposition, just concern. We can hold the bill for one week and get some additional information, with some realistic timelines, that might help support what we are doing.

MR. CEROCKE:

We do have some existing counts that would be no older than three years. They separate the traffic into heavy trucks, light trucks and automobiles. They would be on SR-159, probably on SR-160 and some other roads in the area.

CHAIR NOLAN:

What would it take to get a current truck count?

MR. CEROCKE:

Sensors could be laid within a couple of days and we could get a 48-hour count, which is typically statistically valid, and could have the count by the middle of next week.

CHAIR NOLAN:

We have a motion and a second. I am willing to take it to a vote. I do not want this to turn into a partisan issue, because it is not.

SENATOR LEE:

Can a restriction be placed on traffic during certain hours when enthusiasts are using the road more? Do you find most truck traffic in the evening or just during the direct business time of the day?

MR. ENOS:

I am not qualified to answer that question.

MR. CEROCKE:

We typically experience and see commercial truck traffic at all hours of the day, even in the urbanized areas. On many of the arterials, they start as early as 3 a.m. doing deliveries and go all hours of the day. Our counts do have hourly breakdowns and that information would be reflected.

CHAIR NOLAN:

There is a difference in weekend and weekday commercial counts. We would like to get a traffic count. I will ask staff to contact the RTC and get some schematics for Committee members who are not familiar with that part of the valley. Show us the alternative routes and the truck traffic. I am more concerned that we get SR-159 than all the through streets right now, although we would like to see what data you have on Durango Drive and Rainbow Road.

MR. CEROCKE:

Our counts are done cyclically and are typically never older than three years.

CHAIR NOLAN:

If you have something within the last six to nine months on SR-159 and SR-160, we will take that. If you do not have anything that current, we would like some real time counts back to us by next week. We would appreciate it. Can we have a weekday and Saturday count by next Thursday's meeting?

MR. CEROCKE:

We will do the best we can. The sensors are portable and we will make sure they are checked every day.

CHAIR NOLAN:

We intend to schedule this for an additional work session. We still have a motion and a second on the floor. Senator Titus, do you mind if we hold this over until next Thursday? Maybe the makers of the motion and second would withdraw and we will process this next week.

SENATOR TITUS:

Certainly, Mr. Chair. I would ask you to also get the information on the widening of SR-160 and on the other roads which cut through and provide the alternate routes and are in the process of being widened. I believe the alternate routes are there. I think it is an attempt to avoid the permitting problem. I believe the priority should be saving Red Rock Canyon and saving lives, not helping the truck industry make it easier to avoid obtaining permits.

CHAIR NOLAN:

We would agree with you on those priorities. We will ask the NDOT for the information on SR-160, or is that for the RTC?

MR. CEROCKE:

The RTC and the NDOT work together on two documents, one being the Transportation Improvement Plan from the RTC and the other the Statewide Transportation Improvement Program document, which reflects a four-year transportation plan with project descriptions.

CHAIR NOLAN:

We will probably have to ask the RTC to give us those routes that are designated for commercial truck traffic on the west end of the valley traversing SR-160 over to I-215.

SENATOR AMODEI:

I mentioned criteria other than just "scenic byway." When Senator Carlton and Senator Lee talked about their experiences, they described those criteria: heavy recreational use, heavy pedestrian and bike traffic, etc. If we could draft an amendment that says scenic byway which is unique based on the features they have described, it would address some of my concerns. They are present in this case, so why not make them part of the statute?

SENATOR TITUS:

There is a definition of a scenic route available from the NDOT. If the "scenic route" part causes you concern because you think other scenic routes would want to do the same thing, you can make this a special law that just says "The Red Rock Road" and take out the scenic route part.

SENATOR AMODEI:

I am looking for a little more specificity. I do not object to "scenic route," but I think it applies to potentially many roads in the State. So I do not want to set a precedent for scenic route without saying what is present at Red Rock.

CHAIR NOLAN:

Ms. Wilkinson, please prepare an amendment that would enhance the definition of scenic route or provide some of the unique features of these recreational areas. We will hold the vote on S.B. 128 and open the hearing on S.B. 315.

**SENATE BILL 315**: Imposes certain conditions before a special license plate may be created and issued if it is intended to generate financial support for an organization which is not a governmental entity. (BDR 43-859)

MR. SZUDAJSKI:

Senate Bill 315 provides that a person may submit an application for a special license plate that is intended to generate support for an organization that is not a government entity, only if the organization is a nonprofit, charitable organization that satisfies certain criteria.

The Committee will be concerned with one amendment ([Exhibit K](#)).

CHAIR NOLAN:

This amendment covers all the concerns raised in the Committee. Is there any discussion?

SENATOR CARLTON:

I support everything except the removal of the language "nondenominational" and "not encourage." We could end up with all different types of plates from whatever may or may not be called a religion and whatever viewpoint. Religion is in the eye of the beholder and I would have serious concerns on what can of worms we would be opening.

MR. SZUDAJSKI:

The intent of the amendment was to allow organizations such as the Knights of Columbus to have a special license plate. However, plates would still be regulated in such a way that the plates themselves would not be able to espouse a religious belief.

SENATOR CARLTON:

You just made my point. We could say Knights of Columbus, Methodists or Lutherans. "Denominational" is in the eye of the beholder. There is the church of whatever; you have all different types of religions out there that could ask for a special license plate. It is not that I am for or against any particular religion; it is that anyone, literally, could register with the Office of the Secretary of State and call themselves a religion. I think we may have taken a step backward, considering the discussion we had with the full Committee.

CHAIR NOLAN:

Ms. Wilkinson, is there a statutory definition for "denominational?"

We do provide the interim Commission on Special License Plates some latitude to take a look at an organization. We can consider religious organizations; it is just that the plate itself cannot espouse a particular religious belief, as is the case right now. It would be up to the Commission to determine the design of a plate. It would actually help the Commission.

MS. WILKINSON:

I could not find anything. Someone in our office has pulled up a *Nevada Revised Statute* section dealing with denominational publications and instructions. There is no definition.

CHAIR NOLAN:

The common definition is religious in origin.

Senate Committee on Transportation and Homeland Security  
March 29, 2007  
Page 31

MS. WILKINSON:  
Yes.

CHAIR NOLAN:

If we take it out pursuant to the amendment, we will still have religious organizations approaching us. It would be up to the interim Commission on Special License Plates to review their plate designs. If we leave it in, it is wide open as to what can go on the plate.

SENATE AMODEI MOVED TO AMEND AND DO PASS S.B. 315 WITH THE PROPOSED AMENDMENT.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND WOODHOUSE VOTED NO.)

\* \* \* \* \*

CHAIR NOLAN:

We will close the hearing on S.B. 315 and open the hearing on Assembly Bill (A.B.) 51.

**ASSEMBLY BILL 51**: Revises provisions pertaining to the disclosure of certain information regarding an applicant for a position as a firefighter with a fire-fighting agency. (BDR 19-247)

MR. SZUDAJSKI:

Assembly Bill 51 enables firefighting agencies to request employment-history information from the employers and former employers of firefighter applicants. There is one amendment ([Exhibit L](#)).

CHAIR NOLAN:

The amendment came out of a concern of Senator Carlton and others to limit sharing of information with other public safety agencies. However, firefighting agencies often combine efforts and would be permitted to share the information with each other.

SENATOR AMODEI MOVED TO AMEND AND DO PASS A.B. 51.

Senate Committee on Transportation and Homeland Security  
March 29, 2007  
Page 32

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

We will close the hearing on A.B. 51. There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 6 p.m.

RESPECTFULLY SUBMITTED:

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Carolyn Allfree,  
Committee Secretary

APPROVED BY:

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Senator Dennis Nolan, Chair

DATE: \_\_\_\_\_