

**MINUTES OF THE
SENATE COMMITTEE ON ENERGY, INFRASTRUCTURE AND
TRANSPORTATION**

**Seventy-fifth Session
March 18, 2009**

The Senate Committee on Energy, Infrastructure and Transportation was called to order by Chair Michael A. Schneider at 8:06 a.m. on Wednesday, March 18, 2009, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 5100, 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 Michael A. Schneider, Chair
Senator Randolph Townsend
Senator Maggie Carlton, Vice Chair
Senator John J. Lee
Senator Barbara K. Cegavske
Senator Dennis Nolan

COMMITTEE MEMBERS ABSENT:

Senator Shirley A. Breeden (Excused)

GUEST LEGISLATORS PRESENT:

Senator Bob Coffin, Clark County Senatorial District No. 10
Senator David R. Parks, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Scott Young, Committee Policy Analyst
Laura Adler, Committee Secretary

OTHERS PRESENT:

Ron Cuzze, President, Nevada State Law Enforcement Officers' Association

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Rick McLellan, Trooper, Nevada Highway Patrol, Department of Public Safety;
President, Nevada Department of Public Safety Association
Javier Trujillo, Intergovernmental Relations Specialist, City of Henderson
Mark Schaible, Officer, Henderson Police Department
William Bainter, Lieutenant, Nevada Highway Patrol, Department of Public
Safety
Paul Enos, Chief Executive Officer, Nevada Motor Transport Association
Bill Bensmiller, Title Division Administrator, Federal Motor Carrier Safety
Administration
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association
Chuck Callaway, Sergeant, Intergovernmental Services, Las Vegas Metropolitan
Police Department
Lisa Foster, City of Boulder City
Thomas Finn, Chief, Boulder City Police Department
Randy Thelander, Equipment Coordinator, Granite Construction Company
Michael Rich, Q&D Construction
Erin Russell Hayes, Boyd Gaming
Billy G. McCoy, Major General USAF (Retired); Boyd Gaming Corporation;
Nevada Director, Selective Service System
Susan Cappel, Director, Data Management Center, Selective Service System

CHAIR SCHNEIDER:

Because of our schedules, I am going to start with Senate Bill (S.B.) 237.

SENATE BILL 237: Requires the Director of the Department of Public Safety to
establish the Advisory Committee on Uniforms within the Department.
(BDR 43-847)

SENATOR DAVID R. PARKS (Clark County Senatorial District No. 7):

It is generally known that employee involvement greatly boosts workplace morale. Treating employees right has always been a big part of any commitment towards excellence. Canvassing employees regarding work attire in making final selections is a significant positive impact on job satisfaction. To this end, most employers have created employee committees composed of those individuals a majority of whom would wear whatever uniform is selected. No one possibly could care more about the uniforms than the people who are required to inhabit those outfits for a good part of their lives. If you are comfortable in your clothing, it helps you to feel better about the job you do. Conversely, if a

uniform is demeaning to the employee, it can make the worker feel marginalized and deflate morale.

Finally, I would like to share a short story. It was nearly 10 years ago I served on the Clark County Grand Jury for nearly 14 months. There were approximately 140 cases we deliberated. Many police officers from many law enforcement agencies came to testify. I can say, without any argument, that the officers from the Nevada Highway Patrol (NHP) made the most positive impression on my fellow grand jurors. There were 17 of us and the consensus was that the NHP were the most professional in their testimony as well as in their appearance.

RON CUZZE (President, Nevada State Law Enforcement Officers' Association):
This issue of uniforms within the Department of Public Safety (DPS) has been an emotional one for several months, causing a morale problem. This issue was taken to the Employee-Management Committee (EMC) who declared they did not have the jurisdiction to address it. That is why we thought it best to bring the issue to the Legislature.

This bill forms a committee to provide the director of the DPS information on the wishes of the officers. It would give the officers a chance to be heard.

I have spoken to Director Jerry Hafen and to Chief Chris Perry, and they currently have a committee in place. What S.B. 237 will do is ensure the committee will stay in place, because directors come and go, but uniformed officers are always here.

SENATOR TOWNSEND:

It was testified there is a morale problem over uniforms. Please elaborate on that.

MR. CUZZE:

I am not fully aware of everyone's views between both the northern and southern areas of the State. Apparently, the uniform they are currently using evolved out of a cost factor. The former NHP uniform adopted for the whole DPS was the French blues. Those uniforms are getting so expensive that a lot of people want to do away with them and go to the uniform I am wearing. On the other hand, a lot of old-timers like the traditional uniform and want to stay in that uniform. But the decision has been made. They have already changed to

the navy blue uniform, and some people do not like it. I know what they went through. I spent 20 years in the Navy and for a while we were changing uniforms like we were changing socks. Not only is changing uniforms expensive, it is a morale deterrent. Now we have a dress uniform and a work uniform, and it is here to stay. Before the uniform is changed again, it is hoped an advisory committee would be a catalyst to provide information to the director and the department on the officers' feelings.

VICE CHAIR CARLTON:

Who is involved in this? The bill refers to the DPS which includes a lot of different people. Who are the upset people?

MR. CUZZE:

I would say the majority of people who had heartburn were from the NHP. However, it does affect everybody. I did receive a call from a fire marshal who had concerns as did the Division of Parole and Probation (P&P). This bill does not tie the director's hands. I know the dog handlers have to have special uniforms, and commercial people have to have a certain kind of uniform to perform their jobs. It does not restrict any of the division chiefs from having a special uniform. It is not intended to restrict the director in any way. It is strictly an advisory type of committee.

VICE CHAIR CARLTON:

The bill says the director "shall" establish an advisory committee. This word means that no matter what happens, what budget crunch or what other duties the director has, it would establish in statute that there "shall" be a committee to deal with uniforms. There may be flexibility in discussions, but there is no flexibility in a committee. This bill would put into statute a committee on uniforms.

MR. CUZZE:

Right. That committee is only advisory. The only thing the law does is establish a committee. The bottom line is the director still has the final say.

VICE CHAIR CARLTON:

Who has to purchase their own uniforms within the DPS?

MR. CUZZE:

Not all uniforms are provided. Those attending the academy are provided an initial-issue uniform. The NHP provides a uniform allowance once the officers are out of the academy. However, the P&P are issued uniforms when they go to the academy, but afterwards pay for their own uniforms. Some, out of pride, purchase a dress uniform and some also have the working uniform. The people with the Investigation Division are issued a uniform when they go through the academy, but since they are a plainclothes division, they do not get a uniform allowance.

VICE CHAIR CARLTON:

The bill states that one member will be from a labor union. What if there are two or three different labor unions representing more than one faction? Who gets to decide which union representative will participate?

Mr. Cuzze:

That would be up to the director and to Chief Perry.

VICE CHAIR CARLTON:

I see a problem there. For disclosure, my husband works for the Department of Public Safety.

SENATOR TOWNSEND:

I would like to get to the heart of the matter. If you have a morale issue in the NHP or P&P, the Legislature should address the morale issue. With this as a small component, perhaps that should be part of it. You say it is only advisory, but you already have one because the new chief has established it. If this is a uniform issue, then consider looking at the possibility of when the DPS or chief or whoever is in charge of the cost, establishes a cost, then all the groups who have representation should get together and decide on a design within that budget.

I do not want to be one of those sticklers about what you are testifying to compared to what the bill says. The bill says that before the DPS makes substantial change to the specifications, design or cost of any uniform required to be worn by an employee, the director must solicit recommendations from the advisory committee, and consider and evaluate the recommendations. The director does not have any control over the cost issue since that is a budgetary issue.

MR. CUZZE:
That is correct.

SENATOR TOWNSEND:

I am trying to get to what generated this bill. I know what is written on the page, but what is the real problem? Is this a union issue? Is the union mad with somebody? Is this a nonunion issue who is mad with the union or two unions fighting over each other?

MR. CUZZE:

No, sir. All we want to do is establish a line of communication. If the future director wants to change the uniform or has a need to change it because of cost or whatever, this gives a flow of communication both ways. The bill gives the director the opportunity to explain to the committee who, we hope, would go to the troops and explain the reason we are doing this is because of money or because of an operational concern or something like that. The problems in the past are just that, in the past. This uniform is here to stay. There is no argument between the National Union of Protective Services Associations and us. They decided to do it one way by bringing the uniform issue to the EMC, and we thought this would be a better way of communicating. Through S.B. 237, a committee is established, and the director and others in power still have the authority to do what they have to do. The advisory committee gives the troops a chance to make recommendations and to let their feelings be known. As I said, the director and the chief or the division chiefs, collectively, can tell their people, we are doing this because of this. There was not enough information flow the last time the uniforms were changed. From what I understand, a big driving factor was from the people in the southern part of the State who wanted to go to this particular uniform. Again, there was not a lot of communication.

SENATOR TOWNSEND:

We have a north/south issue. For those people in the south, their uniforms were too hot. Could you be more explicit? I am trying to figure out the problem, because we might be able to help you fix it.

MR. CUZZE:

I do not know if it was the heat, because they went from a lighter color uniform to a virtually black uniform. I wore that uniform at the University of Nevada,

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Las Vegas, and it was hot. I do not know all the ins and outs of the driving factor.

SENATOR TOWNSEND:

I am trying to help solve the problem. Senator Carlton has identified a serious problem with S.B. 237 as to how are you going to choose between unions. To me, that would be a serious mistake.

MR. CUZZE:

The director can limit the number or put five on the advisory committee.

VICE CHAIR CARLTON:

It says "shall" and no number.

SENATOR TOWNSEND:

We are reading what is in this bill and that is not what it says.

MR. CUZZE:

We could say "may." Then we would like to make it more permissive.

SENATOR TOWNSEND:

You might want to consider if what you are telling me or what I am hearing is fact, and I have no reason to doubt you, there may be underlying issues with which we are not familiar. Consider crafting this bill in a manner that says, when the appropriate person gives you a dollar number, then all the representatives of those in the department get together on the design. They have a dollar figure showing the cost per uniform. You decide whether you want the French blue, the dark blue or a combination of both. That is what I am hearing you tell me. Am I wrong, or is there an underlying issue that I am missing?

MR. CUZZE:

To my knowledge, I do not know that anyone wants to redesign the uniform at this time.

SENATOR TOWNSEND:

I am not saying that. I want to get to the heart of the problem. Every time I ask a question, you take me in a different direction.

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MR. CUZZE:

The bill was designed to only establish an advisory committee.

SENATOR TOWNSEND:

We understand that. What we want to know is what problem is establishing an advisory committee addressing? You are saying there is a morale problem or a lack-of-communication problem.

MR. CUZZE:

That was in the past. We hope this will resolve it in the future.

SENATOR TOWNSEND:

I will work with my colleague who sponsored the bill.

CHAIR SCHNEIDER:

Senator Parks, you may want to add whether these people are paid or not when they meet.

SENATOR PARKS:

Page 3, subsection 7, indicates the Advisory Committee serves without compensation.

RICK McLELLAN (Trooper, Nevada Highway Patrol, Department of Public Safety; President, Nevada Department of Public Safety Association):

The problem with our uniforms began in 2000. I have been involved in trying to keep the other uniform for the history and heritage of the NHP, and for the distinct nature of the uniform, as most states have a distinct uniform for their highway patrol. In 2004, the manufacturer changed the name of the uniform to "Nevada Highway Patrol Blue." The cost issue did not come up until 2007 when we were told the new uniform would be less expensive. This current uniform now costs more than the French blue uniform.

When you go to the academy, the NHP purchases your first initial uniforms consisting of three pants, three long-sleeve shirts and three short-sleeve shirts. After that, we are given an allowance to maintain our uniforms, which, up until the testimony by the NHP at the EMC hearing, meant we had to pay for dry cleaning and maintenance. Now we pay for boots and uniforms only, because these are supposed to be wash and wear, and it does not work that way. The uniform the NHP testified to costs \$50 a uniform and is being phased out

because it does not hold up; it changes colors. Now we are back to a wool uniform that costs more. Again, the DPS is changing the uniform to have stripes down the pant leg, at our cost. This change raises the cost of the uniform.

The DPS has a contract for the uniform that is not available to everyone. There is only one vendor and they are in the southern part of the State. The northern part of the State does not have that vendor, so we must go to Las Vegas to get the uniform, which adds to the already higher cost. The original reason for the change was to put everybody in the DPS in one uniform. Testimony at the EMC hearing was that everybody was to look like the Capitol Police Division of which there are 32 officers in uniform. As a result, over 500 people had to change their uniforms to the dark blue to match the uniforms of 32 people.

VICE CHAIR CARLTON:

From personal experience, I know a lot of people hired before the uniform change had to pay, and others did not. A lot of the uniform change came about when several departments were merged. That is when I noticed some problems. I am not sure who the director was at that time. Could you clarify that?

MR. MCLELLAN:

It was Director Kirkland who started the uniform change. In the DPS there are two uniformed divisions: the Capitol Police and the Highway Patrol. The last Legislative Session dealt with P&P who were told they will not be in uniforms; they will not buy uniforms for them.

VICE CHAIR CARLTON:

I will clarify whether P&P officers want to be in uniform, if they can purchase and wear them.

MR. MCLELLAN:

That is correct. The K-9 officers have different uniforms, but the commercial officers who have to go under trucks for inspections have to wear these standard wool uniforms or uniforms we purchase; there is no separate uniform.

VICE CHAIR CARLTON:

This is a complicated issue.

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CHAIR SCHNEIDER:

We will close the hearing on S.B. 237 and open the hearing on S.B. 243.

[SENATE BILL 243](#): Requires local law enforcement agencies to enforce certain state laws. (BDR 43-719)

I have prepared talking points and background information on this bill ([Exhibit C](#)).

JAVIER TRUJILLO (Intergovernmental Relations Specialist, City of Henderson):

I will speak after Officer Mark Schaible of the Henderson Police Department speaks from the Grant Sawyer State Office Building in Las Vegas.

MARK SCHAIBLE (Officer, Henderson Police Department):

I have prepared talking points I will read ([Exhibit D](#)).

MR. TRUJILLO:

The first of three pictures we are showing is a semitrailer loaded with sacks of cement that split in half ([Exhibit E](#)).

MR. SCHAIBLE:

Actually, that was a sod truck. It appears to be bags, but it was a tractor-trailer overloaded with sod. It split in half on one of our city streets. You cannot see it in the photograph, but at that speed when a truck like that splits in half, it does an amazing amount of damage to the roadway from the trailer gouging the roadway until it comes to a stop. The traffic was tied up for hours because we had to call out forklifts to unload the truck. We then jacked up the trailer so it could be welded back in place in order to move the truck and trailer off the street. Officers were tied up at that scene for approximately five hours. Unfortunately, we could not enforce the weight statute the way the *Nevada Revised Statutes* (NRS) are currently written.

VICE CHAIR CARLTON:

Tell us how many tickets you wrote for that one.

MR. SCHAIBLE:

Let us just say that we reminded him in a few different ways.

MR. TRUJILLO:

The second picture is a truck with bottles, [Exhibit E](#).

MR. SCHAIBLE:

This was a fully enclosed semitrailer I stopped that was overloaded with so many pallets of juice bottles to the point that the doors could not be shut. Also, there was no way to secure the pallets other than with a couple of small size pieces of rope holding the pallets into the vehicle. As you can see, there was not enough room to set the pallet jack in the vehicle, which was also held on with a small piece of rope. This vehicle was traveling on city streets without any of the load secured inside the vehicle other than with a couple of small pieces of rope. Obviously, that was an overloaded condition, and I called for assistance. Unfortunately, that was a day when nobody was available to come to help, and I could only cite the driver for other minor violations. We could not weigh the vehicle or cite for the overloaded condition the way the law is currently written.

MR. TRUJILLO:

The final picture is the dirt truck.

MR. SCHAIBLE:

This was a dirt and gravel hauler I stopped. You can see the excessive load in this case. It may be difficult to see unless you are on the scene, but the tires were way overloaded. The vehicle itself was also way overloaded, with gravel and dirt spilling off the vehicle as it traveled down the highway. The weight on the vehicle was 55,000 pounds. We are not talking about small delivery trucks in any of these cases.

The first truck pictured was registered as an 80,000-pound vehicle, and he was overweight. I do not know the weight on the second truck, unfortunately. When I stopped the third truck, it was registered at 55,000 pounds, and he was carrying close to 65,000 or 75,000 pounds, making it overweight by a minimum of 5 tons in this case.

These are three pictures I took because of the excessiveness of the overloading. This is a common occurrence within Henderson and on our streets. Unfortunately, we cannot enforce half of the NRS because of the way the law currently reads. It has become a big safety issue within our city. We cannot effectively deal with the safety violations, and we cannot continue to ask the

NHP to assist us, based on their staffing levels and our staffing levels. We have officers doing the enforcement and stopping the vehicles. We are asking permission to enforce the rest of the NRS.

SENATOR LEE:

When you call in an NHP officer to cite, does that money go to the city where the infraction took place, or does it go to the State? If we change the law, would this change where the citation money goes?

MR. SCHAIBLE:

When the NHP serves, when we can get them to come out, the cites go into the justice court in the area where the violation was found, and that goes to the State. As for a municipality like Henderson, our citations go into the Henderson Municipal Court.

VICE CHAIR CARLTON:

Are there other differences if there were a compliance officer from the DPS citing these drivers? If Henderson were allowed to do this, would it be the same process, except the last stop would be the court of jurisdiction?

MR. SCHAIBLE:

That is correct, there would be no difference. We all follow the same NRS and cite under the same federal commercial regulations when doing a truck inspection or any kind of commercial vehicle inspection. The only difference would be the citation is written to a court in that jurisdiction.

VICE CHAIR CARLTON:

Looking at the definition of peace officer in the bill, and it is defined, are all these peace officers going to be Category I officers?

MR. SCHAIBLE:

That is what we are requesting in S.B. 243. The amendment also requests a Department of Motor Vehicles (DMV) inspector or anyone trained as an inspector ([Exhibit F](#)).

VICE CHAIR CARLTON:

There are Category I officers within other agencies. Would there have to be a training component before they would be allowed to do this type of inspections?

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MR. SCHAIBLE:
Yes.

VICE CHAIR CARLTON:
Is that delineated in the bill? I want to make sure.

MR. TRUJILLO:
That is delineated in the first section in the amendment where training would be required.

VICE CHAIR CARLTON:
My concern about the definition of peace officer is now answered.

SENATOR CEGAVSKE:
When we see trucks that have things flying out of them, is that something you would be able to stop and control? Can you do that now?

MR. SCHAIBLE:
Yes. We can do that now as often as possible. Something we look for is an unsecured load.

SENATOR CEGAVSKE:
I see there is a fiscal note that may have impact on local governments and the State. I see heads shaking that there is no cost. I would like someone to address that.

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

The NHP supports S.B. 243. This bill and the amendment would require the NHP to train Category I allied agencies who want to enforce overweight vehicle statutes. This would have no fiscal impact to the NHP, as we currently provide these allied agencies training on how to conduct inspections with federal regulations. Last year we supported a bill that requires us to train Nevada Transportation Authority officers on federal regulations. It would dovetail into our existing training program and industry outreach program. This would have no fiscal impact on our agency to train these Category I officers. The training program is roughly a five-hour course which would have a practical aspect as well as an in-house training sit-down part where we go over the types

of overweight violations with axle combinations, permit violations and other things we look at as far as current gross overweight vehicles.

SENATOR CEGAVSKE:

The fiscal note may be that if you provide the training for free, we have to pay somebody to take the course. I do not know if that is the issue, but we will have to have someone clarify that because it clearly states there could be a fiscal impact on a local government and to the State. If there is not, we need to make sure that is documented on the bill.

PAUL ENOS (Chief Executive Officer, Nevada Motor Transport Association):

We are in support of S.B. 243 as amended. We asked for the amendment, especially the inclusion of only Category I officers, and that they attend a training class by the NHP.

We have seen a lot of problems with local entities trying to enforce truck laws over the last two years. From our perspective, it is not that the train is coming, it is that the train is already here. North Las Vegas, Henderson, Boulder City, Reno, Storey County, Washoe County and Douglas County are already enforcing laws against trucks. The way the situation is now, if one of those local entities pulls over a truck that is overweight, they have to call the NHP, which means that truck is idle for a longer period of time. From an efficiency standpoint, it can actually save us time. Do we necessarily like that you have locals enforcing these laws? No, we do not. But that is the way it is and that is the way it is going to continue to be. So, instead of standing in front of the train waiting for it to hit me, I can stand aside and ask how can we make this work or how can we make this go in the direction where we can have an open dialogue with these local entities.

Our organization has encouraged that dialogue by sponsoring and inviting all the locals, the State and the Federal Motor Carrier Safety Administration (FMCSA) to come together to have a dialogue at a commercial-vehicle safety summit. We had a summit in Reno and one in Las Vegas this past fall. It was successful to have this dialogue between the people who are enforcing these laws and the industry. Looking at these pictures, I will say that most truckers follow the law. They do not want to do anything that is unsafe, something causing a piece of their equipment to break down or that will cause damage to themselves or to another person on the road. We all have the same goal in mind; that goal is

getting home safe. I hope properly training local law enforcement agents to enforce truck laws will result in safer roads.

One thing in this bill that could be a benefit is a savings to the Highway Fund. Right now, the NHP has 68 officers statewide to enforce commercial truck laws. Those people are being paid from the Highway Fund. If we have the locals enforcing these laws with federal grants, it does take that cost away from the Highway Fund and can result in safer roads. We have had some issues in the past with some locals. We are not going to stop the enforcement from happening, so it is how do we make this work better for us and have that open dialogue. I know that Officer Schaible has attended both of our commercial-vehicle safety summits. Other officers have also attended, and I want to thank them for attending, and hopefully, we can continue to have that dialogue and continue to work together to ensure our roads are safe. If there are issues, that is where we will bring them up and address them. If we see a major issue coming out of the passage of S.B. 243, we will be back next Session to address it. But, for me to come to the table saying I do not think you can have a local officer enforce a law does not make a lot of sense.

SENATOR CEGAVSKE:

Looking at the trucks in the pictures I do not see any name brands. Is there any education being done on overcapacity?

MR. TRUJILLO:

We educate our people as much as we can. Every commercial driver is a trained professional. Sometimes it is stupidity; sometimes it is seeing what they can get away with. I will say that this is not the norm; this is the exception to the rule. Most truckers you deal with are safe. They inspect their vehicles. It is like a pilot going through a checklist before taking off; it is the same with a truck. Every trucker is required to do a daily vehicle inspection before getting behind the wheel of that truck. Each trucker keeps a log that the NHP and the FMCSA audit to make sure the equipment is safe. When there is an accident on the road between a truck and a car, 85 percent of the time it is caused by the car, not by the truck. The majority of the trucks on the road are operated safely. Occasionally, there are problems, as shown in these pictures. It is our hope that the passage of this bill will address some of those problems, resulting in safer roads and less damage to the infrastructure.

SENATOR CEGAVSKE:

There are weight and size limits posted on the trucks and trailers, is that right?

MR. TRUJILLO:

Yes. Most trucks have an 80,000-pound limit. The truck in one of the pictures Officer Schaible said had a 55,000-pound limit. It does depend on the vehicle, its configuration and the number of axles. That is why we thought it was important to have that training component included in S.B. 243, because it can get tricky. Weighing a truck is not as easy as stepping on a bathroom scale. It takes expertise and knack to do it right. There are also bridge parameters and different permits. These are things in which an officer who is going to enforce these requirements should be educated. That is why that training component is important to us to have in the bill. We appreciate the NHP stepping forward to say they will train Category I officers. Last year, Lieutenant Bainter mentioned that the Nevada Transportation Authority—last Session we had a big issue with that agency—had people writing laws they were not informed about or writing citations on laws they were not informed about. That is why we want it put into law that they have to be trained. There has been a huge turnaround with that entity because of the training the NHP has done for them. I anticipate that by offering the training from the NHP to these local entities things will get better. If we can have an open dialogue between those law enforcement agencies and the trucking industry, we will all be better off in the long run.

SENATOR CEGAVSKE:

Does the training go to the driver or the owner?

MR. TRUJILLO:

The training on our side goes to everybody with a commercial driver's license (CDL).

SENATOR CEGAVSKE:

They will have to go through the training?

MR. TRUJILLO:

They are already trained, that is part of the CDL. I am talking about the additional training for the Category I peace officers that will be enforcing this law.

SENATOR CEGAVSKE:

I am wondering about the owners. Again, you are talking about having everybody understand the rules and law. When you cite someone, it goes to the driver of the vehicle. Does the owner of the company have any consequences?

LT. BAINTER:

When a citation is issued for an overweight violation or any other violation involving commercial enforcement, that citation goes to the driver. In conjunction with that citation, a vehicle inspection report is completed on that commercial motor vehicle and it goes to the company.

MR. TRUJILLO:

Every trucking company has a number rating from 1 to 100. If the company has a 1, they are doing great. If they have 100, they are doing badly and will probably be pulled over. It is the Inspection Selection System. It is public in that you can go on the FMCSA Website to see what trucking company is doing well and what trucking company is not. You can see their out-of-service record on their equipment, on their driver and on their hazardous material. The law enforcement entities use this information to select the companies they will be pulling over to do an inspection on. It should not be that every truck is going to be pulled over indiscriminately. There is a well-established process in place right now by which they can identify the good actors and the bad actors on our roads.

VICE CHAIR CARLTON:

Does anyone else do this training other than the NHP? Are there other options to getting this training?

LT. BAINTER:

Currently, it is only the NHP that does the training. That is because, by statute, we are the agency responsible for weight enforcement. On an annual basis we prepare a vehicle size and weight plan that is forwarded to the Federal Highway Administration (FHWA) for interstate roadway systems. The FHWA reviews our enforcement plan for that year, such as the number of prescreenings with weigh-in motions we do on the roadway, which is approximately 19,000 a year. We also have a secondary surface road goal we are required to do yearly that is calculated in hours spent by officers. Our officers spend approximately 8,400 hours on secondary roads conducting overweight enforcement. The NHP is primarily responsible for the interstate systems, but when looking at the

three photographs, it is likely those vehicles at one time in their journey had to have gone on the interstate system. That is why we not only do enforcement on the interstate system but also on secondary roads. Allied agencies trained to the system of weight enforcement would not only protect the roadways on the surface streets in cities, but they would also have an impact in infrastructure preservation on the interstate system.

VICE CHAIR CARLTON:

We all know people get along well until they have to share the same money pot. This enforcement is going to be done with grants, but I am concerned about what happens if those grants are not there in the future. Could a logical argument be made that since we are doing this, why can we not have a portion of the Highway Fund?

LT. BAINTER:

Our commercial enforcement section has several components. One component has to do with enforcement of federal regulations. That is where we receive funding from the FMCSA of approximately \$1.5 million annually. The second component, the commercial enforcement section of the NHP, is responsible for the size and weight program that has to do with over-dimensional permitting and enforcement as well as weight enforcement. That is currently funded not by grants, but through the 4713 Highway Funds. The long-term is not dependent on grant funding with our weight enforcement program.

VICE CHAIR CARLTON:

I now understand that portion of funding better. I believe Mr. Enos was alluding to municipalities using grant funds for this, and if those grant funds go away, will those municipalities be able to make the argument that since they are performing this function, they should get a portion of the Highway Funds.

MR. ENOS:

It is in Article 9, section 5, of the *Constitution of the State of Nevada* where it prohibits highway funds from going anywhere but for highway purposes. There could be an argument made that unless those local entities where the money is going use the money strictly to enforce highway or traffic laws, that revenue could not go to those local governments. There is statute protection already in place which should address your concerns about locals going after that money.

If a local entity would set up its own separate traffic entity to which the money from the Highway Fund would go directly, that may be a way around it.

VICE CHAIR CARLTON:

Let me throw you another curve. In the Las Vegas area, Bonanza Road is a State highway, as is Eastern Avenue, Sahara Avenue and others that are in local jurisdictions. I am trying to get down to the "devil is in the detail," because I have seen that everyone wants to do policy, but when it comes to dividing the money, that is where there are problems. I want to be sure that if they do this, the money is available and it does not become a burden in the future when they may argue they should have a portion of the Highway Fund money.

MR. ENOS:

I appreciate those concerns and want to address them. That is something we look for when we establish policy and what effect it will have in the future. I have not thought about that possibility. There is a representative from the FMCSA who will talk about what they are doing in giving grants. The City of Henderson is the first entity to receive this grant. Even without these grants, we still have local entities enforcing truck laws. I get calls from members in various jurisdictions about what is happening in a local entity. It is usually a call saying a ticket was written, the member looked at the statute and believes it was incorrect or has an issue about how the law is being enforced. Our part is to have an open dialogue between law enforcement and the FMCSA on issues such as interpretation of the law. To date, everyone has been cooperative in addressing concerns.

BILL BENSMILLER (Title Division Administrator, Federal Motor Carrier Safety Administration):

We currently have two active grants. One grant to the NHP is approximately \$1.5 million that Lt. Bainter mentioned was for commercial enforcement activities. The other active grant is with the City of Henderson Police Department. We have had an onslaught of requests for grants, mostly because of economic conditions. Current requests are from Sparks, Reno and an inquiry last week from Washoe County. These entities are interested in federal grants from us to conduct operations.

SENATOR CEGAVSKE:

I received an e-mail saying the cost for the operation is in the scales. There are four scales totaling \$16,000 to local governments.

VICE CHAIR CARLTON:

Does the fiscal note impact the State?

SENATOR CEGAVSKE:

I do not know if the State would have to pay. The e-mail says it is local government. The estimate is that an officer would need four scales at a cost of \$16,000 to local government.

VICE CHAIR CARLTON:

That cost may be covered within the grant. We will investigate where the fiscal note to the State is and go from there.

LT. BAINTER:

There would be no fiscal impact as far as the cost of the scales. A semi-portable scale costs \$4,000 and the officer would need a minimum of four scales to weigh a vehicle, for a total of \$16,000. That would be an expense to the local law enforcement agency wanting to do this type of enforcement. However, if there is a fixed facility within a five-mile radius, there is the option by law to escort the vehicle to that location. Generally, at any truck stop there are certified automatic truck scales available where for a minor fee, a vehicle can be weighed.

FRANK ADAMS (Executive Director, Nevada Sheriffs' and Chiefs' Association):

This is an issue of safety and infrastructure to our communities, mainly in the urban areas. Regarding the cost to the State on training; in law enforcement, we generally do train the trainer classes. I see no reason why we cannot work it out with the NHP to train some of our officers to become trainers, which would reduce the cost to the State for training officers. Maybe you could change the wording in the amendment from "conducted" to "approved." I know the NHP is stretched thin and we have concerns in our communities about safety and infrastructure. We support S.B. 243 and the amendment.

CHUCK CALLAWAY (Sergeant, Intergovernmental Services, Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department (Metro) also supports S.B. 243.

VICE CHAIR CARLTON:

Does Metro plan on taking these classes and getting a grant for the scales?

SGT. CALLAWAY:

We definitely want this training to enforce these laws. We also believe it to be a safety issue.

LISA FOSTER (City of Boulder City):

We are in support of this bill. In December 2010, when the bridge for the Hoover Dam bypass is done, we estimate 3,000 trucks a day will be coming through Boulder City. Our police department would like the capability to enforce the commercial-vehicle laws.

THOMAS FINN (Chief, Boulder City Police Department):

My primary concern is when that bridge opens, NDOT and Arizona Department of Transportation traffic counts estimate 3,000 to 4,000 trucks a day will be coming through Boulder City. Anybody who has traveled to Hoover Dam from Boulder City knows there is a steep gradient going down truck route U.S. 93 toward the dam. My concern is for well-maintained trucks and to be able to enforce the weight restrictions on these vehicles. About two years ago, in anticipation of this bridge opening, I hired six additional officers with more Community Oriented Policing Services funding from Clark County to create a traffic unit within the police department. During the last two years, those officers have been trained in every aspect of traffic enforcement, especially commercial-vehicle inspection. They currently do vehicle inspections, but the only thing they cannot do is weight enforcement. That is why we partner when we can with NHP to do weight enforcement, but, as stated previously, they are stretched thin and unable to be with us whenever we have a need to do truck inspections. Passage of this bill would be an asset to Boulder City and our efforts to create a safer environment for residents and visitors to the city.

RANDY THELANDER (Equipment Coordinator, Granite Construction Company):

It is not my intent to ask you to ignore the enforcement laws governing weight and safety. Granite Construction has an outstanding relationship with law enforcement agencies. We are concerned with safety being first and operating our trucks on the highways in a safe manner.

My experience is 30 years in the construction industry; 15 years driving a commercial truck. I agree that rural communities could benefit from this law because of the lack of NHP officers in those areas. I do have concerns about the metropolitan areas adding additional officers to enforce this bill.

Regarding the pictures, I heard the trooper state that the 10-wheeler was 5,000 pounds overweight, but I never heard him say the other two trucks were overweight. The one with the trailer broken in half looked to me like a possible legal load, but it was failure on the structure of the trailer. I am concerned about whether we are addressing an overweight situation or are we addressing an overloaded situation. The second truck with the pallets of bottles was certainly not a safe situation, but I am not sure it was overweight. Because of the pallet jack, perhaps he could not take stacked pallets and be able to remove them when he goes to his deliveries. There are two issues of overweight and overload, and we need to make sure we are separating them.

We feel some of the guidelines and restraints should be considered in more populated areas. Reno, Carson City, Las Vegas and Henderson are huge metropolitan areas with a lot of officers who are currently doing that. When you think about it, you will find less than 25 percent of the commercial vehicles on the road today hauling materials which are not previously weighed. At Granite Construction we have four public pits in this area. We have a strict standard that no truck will leave the pit overloaded. We make them reduce their load until it is legal. Now, we are talking about 25-percent less of the construction trucks. If you put that in perspective of all the freight trucks, perhaps it is only 5 percent or 10 percent of those trucks being loaded without scales on-site. They are carrying materials off the site. When we do that, and we are in a big situation, we actually randomly send our trucks through a set of scales to determine if we are being as productive as possible without breaking the law. We are concerned that we are getting a full load on those trucks, while not exceeding the legal limit. When we put all that into perspective, the actual amount of trucks that are not weighed is small. I would not dispute that some small companies have a few bad apples overloading their trucks, but the majority of us are concerned about being legal. The weights of construction materials—that is where we are addressing the situation—because a freight truck, unless you have soda cans sticking out the back like that, is difficult to determine is overloaded. The focus of these officers will be on the appearance of the load in the truck. Different construction materials have different densities.

We have a pit in Lockwood that has light rock, and we literally cannot overload a truck out of that pit. It looks overloaded because the rock is piled high, and yet it is so light that they are not over the legal limit. So, now comes into play the newly trained officers. Do they have the experience to know when vehicles are truly overloaded or if they just look overloaded? In our profession, there are

many of our fellow companies who are struggling in the economy and going out of business. It seems like we are targeting the construction industry, because that is what they will be looking at. If we do, then we are putting more of a strain on the companies. Like I said, in this economy that would be a tough situation. One thing that concerns me is that we do not have permanent scales entering and leaving our State as many other states do, so there is a prescreening.

It was mentioned that 3,000 to 4,000 trucks a day are projected to go over the Hoover Dam bypass bridge. If we are pulling trucks over to the side of the highway, sometimes we are creating a more dangerous situation. Now we have people rubber-necking and not paying attention to the highway. If we had permanent scales at State lines, we would be able to safely pull these trucks in and determine if they are overloaded before they ever get to areas where there is not sufficient room to properly inspect them. Permanent scales should be our main scales. The scales at State lines are open a small percentage of the time, and we have heavy interstate traffic crossing our State. In some ways we could weigh safely if we put full scales in place.

Again, I want to bring to your attention that one of my concerns is the lack of experience these officers will have when doing this task. They will get five hours of training. Perhaps they never worked around commercial vehicles. We have had meetings about some of the newer officers being a little overzealous; reading black and white and not understanding applications that sometimes are detrimental in pulling us over, in creating a big situation out of something that an experienced trooper might allow to happen. We have that problem with these new officers doing the same thing by pulling commercial vehicles over, taking time better spent watching regular motoring traffic.

In the 15 years I drove thousands of miles in a commercial vehicle, I was never in an accident. Yet, every time I am on the highway or on city streets, I see people running red lights, cutting others off, road rage and a lot of other issues that are certainly more serious than commercial truck drivers on our roads. As was stated, 85 percent of accidents involving commercial vehicles are caused by the motoring public. I am also concerned that the tribal police may take this on. We have sometimes experienced the reservations being notorious for abuse by the tribal police.

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VICE CHAIR CARLTON:
Are tribal police Category I officers?

LT. Bainter:
Yes.

VICE CHAIR CARLTON:
They are not on the list. I will add tribal police to the list of Category I officers.

MR. THELANDER:
I am concerned that we may see a high volume of trucks being pulled over in a tribal area, if they see it as an opportunity to generate revenue, while the real problem is the cars going by. Every time a truck is pulled over for an overweight situation, it is tied up for an hour to an hour and a half. At \$100 to \$120 an hour, that becomes a fiscal detriment to companies who were needlessly pulled over by inexperienced officers who are trying to help their municipality receive revenue. I also want to point out that when they say there is no cost to this training, I would have to disagree. There is the officer's time who trains, the officer's time who receives the training, and in the cases of officers coming from our rural areas, there would be travel, lodging and the time away from doing their regular jobs to receive this training. I would have some concern about the total cost of this as well as manning all these truck scales.

To reiterate, we are certainly concerned for the public's safety. We support the idea of non-overweight trucks traveling our highways, but I am not sure the percentage warrants sending out a huge force of officers to accomplish this. It may be more waste of time than good.

SENATOR NOLAN:
In general, your truckers are not cited unless there is a violation, is that correct?

MR. THELANDER:
Yes. That would be correct.

SENATOR NOLAN:
So, revenue is not generated unless there is a violation. Is that correct?

MR. THELANDER:
That is correct.

SENATOR NOLAN:

I agree with you that we are talking about two different things when talking about overweight and something that is overloaded. Both of them are potential safety violations. In the picture, you pointed out that something was definitely overloaded, but we do not know if it was overweight, because they did not have the scales to make that determination. Southern Nevada and Boulder City is one area and Highway 80 is another area that trucks are traveling in all the time. Having been in public transportation, I am not familiar with motor carriers and long-haul trucks. An officer's training could easily be augmented by looking at a truck and knowing that the truck looks overloaded or there are enough signs to know it is overweight. They would not be randomly pulling over trucks. I have not heard of an incident in which law enforcement randomly stop people for the sake of stopping. Law enforcement is stretched thin. If you have specific circumstances, I would like to hear about those. I do not know if I completely agree with your assessment that you cannot train law enforcement officers to do the job, or that they are out there just to generate revenue. The average officer probably does not like standing on 115-degree asphalt during the summer walking around a truck, unless he has a good reason to do it. He is not getting paid any more to stop that truck and take the time needed to weigh it than stopping anybody else.

MR. THELANDER:

I appreciate the remarks, and would have to agree to disagree. We know that everyone is burdened right now with trying to make budgets and accomplish their spending limits. When you look at trucks you are looking at larger tickets. The average 4-wheel vehicles drive away with an \$85 or \$100 ticket at the most. A large truck has the potential of having a \$3,000 or \$5,000 ticket. So, if you are looking for revenue, and some may be looking to receive some of that revenue, I would want to make sure their guidelines are completely in the interest of respectfully addressing those situations needing it. When it comes to our NHP with their limited staff, they are particular about what they pull over. They try to make sure they have what looks like a definite legal issue with that truck before pulling it over. I do not think they have the staffing to waste their time. Some of the cities may have more time to go out, and they are not going to get good until they do it and experience it. Consequently, with the economy the way it is now, are we going to be paying the price in production to train

these officers who come out and do not have that experience and pull us over because they think there is an issue, but there may not be?

Statistics will prove to you that many of the worst accidents, those that involve fatalities and those of a serious nature in the commercial industry, involve the long-haul drivers who travel interstate highways and State highways like Highway 50 and Interstate 80. They would be caught in an inspection station with a set of scales. That is where we would be doing the motoring public more good by addressing it at our State lines than addressing it on our city streets. Again, pulling a truck over in a city and trying to find the area to safely go through an inspection and a weight process creates a safety hazard in itself. Again, I am not against addressing concerns for safety or overweight. I want to make sure it does not cost us in production or establish an opportunity for abuse.

MICHAEL RICH (Q&D Construction):

Mr. Thelander covered everything I wanted to say except for a few things. If you are hauling a load from Verdi to Wadsworth, you could be stopped by six entities within 45 minutes to an hour and a half. You would be lucky to get one load there a day, instead of the three you should be getting. If there was some system that we could put together to say that the NHP has pulled this vehicle over. Should Reno want to pull it over again, it is legal, but then they would take the time to weigh it. It is unproductive if we get pulled over six to seven times a day with one load. The next thing is: five hours of training? I have been doing this for 26 years, and there are still things I learn every day. Five hours is not enough; there should be more training involved.

SENATOR NOLAN:

Do we keep statistics on the number of commercial stops made and correlate with the number of citations issued? Do you do that now as part of your statistics?

LT. BANTER:

We do not have those statistics. However, I assure you that our existing training program involves a series of photographs in a PowerPoint presentation as a learning mechanism to show overweight vehicles. It is not rocket science, but the chugging from start to go is an indication. A spilling load or the "cheater boards" with dirt haulers make overweight trucks quite obvious. The

learning curve is quick with the officers, because weighing a truck is a lot of work.

SENATOR NOLAN:

I was wondering if you have 100 stops and 80 citations issued, would that mean 80 percent of the stops are validated stops? I do not know if that was an easy statistic that you keep.

LT. BANTER:

Unfortunately, we do not have that data.

VICE CHAIR CARLTON:

We will close the hearing on S.B. 243 and open the hearing on S.B. 217.

SENATE BILL 217: Enacts provisions relating to the Department of Motor Vehicles and registration under the federal Military Selective Service Act. (BDR 43-119)

SENATOR BOB COFFIN (Clark County Senatorial District No. 10):

I am a person who subscribes to the belief that all people should be involved in public service at the earliest possible age. In October 1960, I engaged in my first act of public service by going to the post office in Las Vegas to register for the draft. In those days of the Cold War, all young men knew they had an obligation to serve our Country. There were no other ways to serve our Country until 1961 when President John F. Kennedy created two different agencies providing ways to serve without going into the military. The point is, right now our Country needs people to think about public service again as did my generation and the generation before which is called "The Greatest Generation." That service recognized that we had an obligation to our fellow man by offering our services to our Country. Since the selective service changed in 1974, many things have happened in that there are other ways of serving your Country. One thing is for sure, there will always be a need for people to be subject to call-up or at least be located to give them the opportunity to volunteer for public service in the military of our Country.

With S.B. 217, I propose to bring us into the mainstream of 36 other states that have passed legislation like this. This would allow the DMV to collect the necessary information to allow people signing up for their driver's license, whether it is commercial, noncommercial or identity cards, to notify the

Selective Service System (SSS) that they are now available for public service. We used to have great fear and great pride at the same time. What we did then, as young men, was talk about girls and going into the military. It depended on your age, because there was a time when you really feared this. In 1958, Elvis Presley broke that barrier by going into the U.S. Army because we thought that was pretty cool and all the girls thought it was cool too, resulting in some of that fear disappearing. In fact, one of the places I was stationed when I enlisted in the Army was at Ft. Chaffey, Arkansas, where the "king" had served. I stayed in a barracks next to where he did. That place is still on the walk of fame for those who want to know where Elvis Presley spent some time in his life. This is a simple bill with only three operative sections.

ERIN RUSSELL HAYES (Boyd Gaming):

The SSS is a federal law requiring young men between the ages of 18 and less than 26 to register. As you heard from Senator Coffin, currently 36 states have already passed legislation linking SSS registration with driver's license laws, which assists with increasing the compliance rate for young men, so they do not forfeit the opportunity for federal loans and certain government employment. Presently, Nevada has an overall compliance rate of 82 percent.

BILLY G. MCCOY (Major General USAF, Retired; Boyd Gaming Corporation; Director, Nevada Selective Service System):

I have prepared testimony ([Exhibit G](#)) that may also cover previous testimony, but it is worth hearing again.

SUSAN CAPPO (Director, Data Management Center, Selective Service System):

You have all heard the requirement for young men to register with Selective Service within 30 days of their 18th birthday. One important thing you have heard is only men ages 18 through 25 register. Once a man turns age 26, he is no longer eligible to register, and he may forfeit all his rights to these benefits that have been mentioned. He will not be eligible for a federal student loan, federal employment, federal job training or perhaps citizenship. This bill speaks specifically to men ages 18 through 25 so that when they obtain their driver's license, it protects their right to obtain these benefits if they are eligible. Again, once they turn 26, we have no choice but to turn them away at the SSS. Tying this to the driver's license or identification-card issuance makes it easy for a young man to register with the SSS. For many of them it is an awareness problem and many of them are not even aware that they need to register until it is too late and they have turned 26. I have to field the calls from these people

who are now 26 years of age or older, and it is not pleasant to have to tell them we are sorry we have to deny a federal student loan or citizenship or job training, because they did not comply with federal law. Federal law states you must register within 30 days of your 18th birthday. That is the premise behind S.B. 217.

SENATOR TOWNSEND:

The bill says when applying for a driver's license, instruction permit, etc., a male applicant who is a citizen of the United States or an immigrant, and at least 18 years of age shall authorize the DMV to register him with the SSS. Most young males cannot wait to get a driver's permit at age 15 1/2. The driver's license is good for 4 years, so they would have to come back on their 18th birthday to register. Is there a way to go into the system and click in when they are 18?

MS. CAPPO:

The easiest way we found is if the legislation reads "under age 26." This would then allow the DMV to provide the SSS with the information when a young man gets a permit or whatever. That being said, legally the SSS cannot register someone until they are within 30 days of their 18th birthday. If provided, that information is held in a separate file. We do nothing with it until 30 days prior to their 18th birthday, which is 17 years, 11 months, and then we will register them. There are seven states that provide us that information. Currently, we are holding 4 million records waiting for them to obtain registration age.

SENATOR TOWNSEND:

Madam Vice Chair Carlton, we ought to alert the rest of the Committee members to that issue of adding under age 26 to the bill to debate. I know there are some downsides, but it should be noted in order to meet your goal and the sponsor's goal, which is to get as many people registered as possible.

SENATOR CEGAVSKE:

Currently, young males are being solicited in the schools. As a mother, we have had several calls left on our recorder from recruiters. Will the solicitation stop if this bill is passed?

MS. CAPPO:

That is completely different from the SSS which is an independent federal agency. We have no affiliation with the U.S. Department of Defense (DOD).

SENATOR CEGAVSKE:

On page 6, section 5, subsection 1, "... a male applicant ..." means we are only asking males and no females. Can females register?

MS. CAPPO:

Females cannot register. Right now, federal law states only men must register. In order for that to change to register females, it would take an act of Congress and amending the law to include females.

SENATOR NOLAN:

I understand it is a time-honored tradition going back in our Country's history to include only males in the selective service. Now, anyone, including females, can enlist in any branch of the service. My son turned 18 and received his paperwork from the SSS. He filled it out, sent it back and received a card. It was an easy process. We did not have an issue with the process. What seems to be the biggest problem in this State is tracking down these young people who are eligible to register for the SSS?

MS. CAPPO:

One problem is the SSS has a limited budget resulting in scaling back direct mail sent to young men prior to them turning 18. That has had an overall impact on registration rates. That being said, we have another program that after you turn 18, we match data provided by your DMV to our master database to identify people who should be registered and we send them mail. Unfortunately, they do not register after they get that. That is historically why compliance percentages have remained low.

SENATOR NOLAN:

The paperwork has a somewhat generic look so it could be mistaken as an advertisement. From personal experience, if someone did not carefully read the language that says, you have to do this, you might throw it out as junk mail.

VICE CHAIR CARLTON:

In your testimony, you spoke about immigrant men residing in the United States. Could you elaborate on that?

MS. CAPPO:

Lawfully admitted nonimmigrant aliens are not required to register. If someone is here on a green card, they are lawfully admitted, they do not have to register. If they are part of a diplomatic trade mission, they do not have to register. If they are a student, they do not have to register. That being said, if they are an illegal immigrant, they are required to register with the SSS.

VICE CHAIR CARLTON:

But, illegal immigrants are not allowed to have driver's licenses. At least we say that.

MS. CAPPO:

We understand that. However, federal law says that they must register with the SSS.

VICE CHAIR CARLTON:

I see a "Catch 22" here. We are asking an undocumented person to go to a State facility to register.

MS. CAPPO:

No, we are not. We are saying if they obtain a driver's license in this State, and this legislation is in effect, the State would provide the SSS with that information. However, we would not know if they are illegal or not. I do not know if the DMV would have any way of knowing that either.

VICE CHAIR CARLTON:

That has been a round-robin conversation for the last six years, so we will not go there.

MS. CAPPO:

That is true in other states as well.

VICE CHAIR CARLTON:

They are required to register within 30 days of their 18th birthday, but can register up to the time they turn 26, and that is the cut-off date. This bill would make it mandatory, it would not be an option, and there is no opt-out provision.

MS. CAPPO:

That is correct.

VICE CHAIR CARLTON:

Do other states have an opt-out provision? If so, how are they addressed?

MS. CAPPO:

Some do. There is a variety of different legislation passed across the Country, even within the opt-in/opt-out legislation. For example, in Idaho it is optional; however, they strongly worded the consent statement for registration. If you check the no box, it says that the person basically knows they are violating federal law by not registering with the SSS, and they may be subject to five years imprisonment and/or a \$250,000 fine. Although it is optional, not too many people choose to check that box.

VICE CHAIR CARLTON:

You would think the self-incrimination discussion would rear its ugly head on that one. I have a concern that it is mandatory. It is not as though we are giving the young man the information about what to do; we are literally holding their driver's license hostage for registering with the SSS. I understand they are supposed to, but a lot of us remember the word "draft" that we grew up with.

MS. CAPPO:

I can understand that. I have a son who turned 18 this year and can relate.

SENATOR CEGAVSKE:

If the young men sign up when they are 18, then there is no other time? Is there nothing else to be done?

MS. CAPPO:

That is correct. They are supposed to notify us with address updates whenever they move, within days of moving. If they do not submit a change of address, there are other methods we can use to obtain addresses. For example, there is a post office database we use. But after their 26th birthday, they are no longer

liable or subject to induction. They are out of the pool of potential inductees, and have no further obligation to the SSS.

SENATOR CEGAVSKE:

If they put in a change of address with the post office, then will you have that information? Is it required to submit a change of address?

MS. CAPPO:

When they register with the SSS, they get a letter back which states their contact information is to be kept current.

SENATOR NOLAN:

How many people in Nevada fail to register and lose their benefits?

MS. CAPPO:

I do not have your current population potentials in front of me, and I can get back to you with the correct numbers. If you look at potentially 19 percent of your population losing eligibility for benefits of the age groups 18 to 25, that is significant.

SENATOR NOLAN:

I would suggest those numbers would be helpful when we go into our work session.

GEN. MCCOY:

I have some data that is a little dated ([Exhibit H](#)). For the 18-year-olds, we had actual registrations for 8,150. As they got older, the next year we had 12,244. From ages 20 to 25 we had 75,303. Between ages 18 to 25 total, there were 95,930. That pushes us up to an overall registration rate for the State of 82 percent. We are at an all-time low and probably tied for the bottom at the 18-year-old level at about 46 percent.

SENATOR NOLAN:

I would like to know when that data was collected. Were your numbers based on 100,000 total registered?

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GEN. MCCOY:

This data is from 2007. It is the latest data I have. The total number registered during that calendar year was 95,930 young men that equated to a rate of 82 percent.

SENATOR NOLAN:

Somewhere approximately 15,000 individuals are missing.

MS. CAPPO:

I do have data on the 18-year-old group born in 1990. I can tell you the projected Nevada population for those born in 1990 was 16,409 young men. That is the latest data, but as General McCoy stated, we are currently working on newer data that will be available within the next few weeks.

VICE CHAIR CARLTON:

Does the SSS share their information with any other federal agencies?

MS. CAPPO:

We do share information. We do have a Privacy Act statement I can provide that is for a variety of different reasons. It would be easier for you to read it than for me to go through it off the top of my head. We do share our information with the DOD for recruitment purposes when sending literature.

Vice Chair Carlton:

Is this information shared with immigration services?

MS. CAPPO:

It is, but only under certain circumstances, and I would need to read the privacy act to be certain of what we provide to the U.S. Citizenship and Immigration Services.

VICE CHAIR CARLTON:

I would like that information, both components.

MS. CAPPO:

We will give the Privacy Act statement to you which will outline specifically what data we provide and the circumstances in which we provide it.

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VICE CHAIR CARLTON:

Hearing no further comments, we will close the hearing on S.B. 217 and adjourn this meeting at 10:10 a.m.

RESPECTFULLY SUBMITTED:

Laura Adler,
Committee Secretary

APPROVED BY:

Senator Michael A. Schneider, Chair

DATE: _____