

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Sixth Session
February 22, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 3:19 p.m. on Tuesday, February 22, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn Dondero Loop, Chair
Assemblyman Jason Frierson, Vice Chair
Assemblyman Kelvin Atkinson
Assemblywoman Teresa Benitez-Thompson
Assemblyman Steven Brooks
Assemblyman Richard Carrillo
Assemblyman John Hambrick
Assemblyman Scott Hammond
Assemblyman Joseph M. Hogan
Assemblyman Randy Kirner
Assemblywoman Dina Neal
Assemblyman Mark Sherwood

COMMITTEE MEMBERS ABSENT:

Assemblywoman Olivia Diaz (excused)
Assemblywoman Melissa Woodbury

GUEST LEGISLATORS PRESENT:

Assemblywoman Maggie Carlton, Clark County Assembly District No. 14

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Darcy Johnson, Committee Counsel
Janel Davis, Committee Secretary
Jordan Neubauer, Committee Secretary
Sally Stoner, Committee Assistant

OTHERS PRESENT:

Christopher Perry, Acting Director, Nevada Department of Public Safety

Chair Dondero Loop:

[Roll was called. Rules and protocol were stated.] We will hear two bills today and have a Committee introduction of a bill draft request (BDR). I will open the hearing on Assembly Bill 30. I would like to welcome Mr. Chris Perry from the Nevada Department of Public Safety, please start the testimony.

Assembly Bill 30: Revises provisions relating to the authorization of certain emergency vehicles. (BDR 43-457)

Christopher Perry, Acting Director, Nevada Department of Public Safety:

Assembly Bill 30 is a housekeeping bill. As a Department, we currently apply to the Department of Motor Vehicles for recognition of our authorized emergency vehicles. Currently, the only emergency agency that is allowed to make that inquiry is the Nevada Highway Patrol. We are trying to clean up the bill and allow our other agencies, which are considered first responders within the Department, the ability to get their vehicles authorized as well.

Chair Dondero Loop:

Are there any questions from the Committee? [There were none.] Is there anyone wishing to testify in support of A.B. 30? [There were none.] Is there any testimony opposing A.B. 30? [There was none.] Is there any testimony that is neutral? [There was none.] Is there anyone else wishing to testify on the bill? Seeing no one I will close the hearing on A.B. 30, and we will hold it for a future work session. I will now open the hearing on Assembly Bill 95. I would like to welcome Assemblywoman Maggie Carlton to start the testimony on this bill.

Assembly Bill 95: Allows for the postponement of consideration of applications for special license plates. (BDR 43-588)

Assemblywoman Maggie Carlton, Clark County Assembly District No. 14:

I am here today to introduce Assembly Bill 95 for your favorable consideration. This bill authorizes the Commission on Special License Plates to postpone the consideration of an application at the request of an applicant. The applicant can only make this request one time.

I would like to provide background information on the Commission on Special License Plates. As many of you might be aware, special license plates differ in design from the standard state license plate and include special interest fundraising plates, membership plates restricted to a certain group, and other types of plates such as military and public service plates. The first fundraising plate was approved by the Legislature in 1989. It was to commemorate the 125th anniversary of Nevada's admission to the Union.

In 2003, the Legislature created the Commission on Special License Plates, through Assembly Bill No. 358 of the 72nd Legislative Session, as another option for the authorization of special license plates in addition to the direct legislative authorization. The Commission consists of five legislators and three nonvoting members. The nonvoting members are the Director of the Department of Motor Vehicles, the Director of the Department of Public Safety, and the Director of the Department of Cultural Affairs.

The Commission uses a method to approve or disapprove special license plates known as direct application/petition to the Department of Motor Vehicles (DMV). Under this method, the DMV prescribes and furnishes application forms to interested persons or organizations. A surety bond in the amount of \$5,000 must accompany the application to the DMV. The previous requirement to submit 1,000 signatures with the application was repealed during the 74th Legislative Session. However, some of the organizations were in transition with pending applications; those who were in transition were still allowed to be submitted with the 1,000 signatures.

By law, only 25 separate designs of special license plates may be issued by the DMV at any one time. This bill does absolutely nothing in changing the number of that cap; it is still 25. Currently, there are 25 special license plates that have been approved by the Legislature and the Commission. Two of the plates, Department of Wildlife and University Medical Center Foundation, were approved this interim and are in the design process at the DMV. I have provided a yearly report for the active special license plates, which was prepared by the DMV ([Exhibit C](#)). It is interesting to note that since 2003, the Commission has approved 12 special license plates; however, 6 of these license plates have been discontinued since they did not meet the required number of active plates.

In 2007, the Commission was required to approve or disapprove any application for a special license plate authorized by an act of the Legislature, which means that a special license plate may not be issued unless the Commission also approves the plate. We have had a couple of instances where people came directly to the Legislature rather than going through the process of the Commission. We tried to address that issue as well.

Additionally, there are three fundraising plates that are available to a restricted membership and are not included in the 25 special license plates cap: the Professional Firefighters, Veterans, and Volunteer Firefighters.

Under the provisions of the *Nevada Revised Statutes* (NRS) 482.367004, the Commission must consider each application in the chronological order in which it was received by the DMV. Assembly Bill 95 would allow an organization to postpone consideration of its application one time. At this time, there is no mechanism to allow an organization to "pass" or "take a bye" on its turn. Currently, if an organization is not ready to present its plate, then it is removed from the queue and must reapply to the DMV. Keep in mind, this is a lengthy process. We have had people apply in 2005 and 2006, and they are just now getting to the point where they are at the top of the queue. In four to five years, things can happen to the nonprofit organizations that want to use these plates as fundraising tools. They could be in flux, they may not have an executive director, or they may not be up and running in full force when they finally reach the top of the queue.

This is permissive language. It would allow the Commission to consider any of those things I listed that may happen to one of the nonprofit organizations. They may not be prepared that particular October when the Commission meets. It would give them an opportunity to get things back in order and return to the Commission the following year. It would allow the Commission to move on to people who may be more prepared. We could go ahead and get the plates going for the organizations that are prepared, so they can do their fundraising and allow the other nonprofit organization, who is not ready, to come back to us the next year.

The change in the language is on page 2 of the bill, starting on line 45 going to page 3 on line 3. The most important word in those couple of sentences is the word "may." The word "may" makes the language totally permissive.

Chair Dondero Loop:

Thank you for your testimony. Are there any questions from the Committee?

Assemblyman Atkinson:

I am not sure what the word "may" means. Can the Commission arbitrarily decide if they will accept a postponement? The word "may" means that the Commission will treat each organization on a case-by-case basis; they will be treated differently. I am not sure why it says "may" and not "shall."

Assemblywoman Carlton:

The "may" is permissive. For example, there are representatives from a nonprofit organization who come before the Commission and explain that they just lost their executive director, they only have two people on staff, and they are not familiar with the special license plates. They could request, to the Commission, an opportunity to postpone their application, which would be a one-time postponement, until the next round comes up. If they made good valid arguments to the Commission, as legislators and nonvoting members, we could decide if it was truly a financial/personnel issue, or whether they just did not have their act together and they were not prepared. The members on the Commission have enough experience that they could make an educated decision on whether the organization was just not prepared or if there were extenuating circumstances. If there were extenuating circumstances, we would be allowed to take that into consideration. As the NRS stands now, we cannot even take that into consideration. This would give the Commission an option.

Assemblyman Atkinson:

I think I know what happened. I just have to say for the record, as someone who is on the Commission, I am still concerned about the word "may," and I expressed that during the interim. I have a concern with someone not being ready. People wait years on this list. They have a very long time to get their nonprofit going with special license plates, and I think that not being ready is unacceptable. That is just my opinion, and as someone on the Special License Plate Commission, I felt the need to say that. I know that things happen, but when things happen, you get moved off the list. In certain cases, some organizations were moved off the list because they were not ready, and I did not find those reasons to be acceptable. The organizations which are not ready now "may" be able to be postponed, and all the organizations that have been on the list for years are getting bumped further down.

Assemblywoman Carlton:

I share your concerns. I am not presenting this bill for that particular charity that came before the Commission; this was a concern that I have had for the last couple of years. Some of the other organizations have had problems, and

they were literally not able to get things together. They had transitional problems. I want to assure you that this bill is not for that particular charity. I found it difficult that we had no options to work with these organizations. I understand you, and I know that some of the other Commission members were not sure how they really felt about the issue. I understand the concerns. I would just like to see this Commission have some flexibility in the future.

Assemblyman Frierson:

I share a concern with the permissive language, and I wonder if the sponsor of the bill would be comfortable adding language such as "upon a showing of good cause" so that it was not arbitrary who was allowed to get more time and who was not. Would that be something that we could do and still satisfy the sponsor?

Assemblywoman Carlton:

Being a lawyer, you probably understand good cause better than I do. I know the Commission has procedures set on who can apply for a plate. If we would need to put something in the bill to make sure everyone was treated equitably, I would have no problem with that. I would just want to make the standard open enough to where, depending upon the situation, we could still consider it, and we would not be moving a barrier from one point to another.

Assemblyman Kirner:

It seems to me, when you say "may," there is no standard of when the Commission would or would not postpone an organization. My understanding is if someone is not prepared, then they go to the bottom of the queue?

Assemblywoman Carlton:

No, they are gone.

Assemblyman Kirner:

So they have to completely reapply?

Assemblywoman Carlton:

Yes.

Assemblyman Kirner:

I am concerned with the "may" language, as my colleague has recommended. There is still no standard to ensure equity. Who gets postponed and who does not, under what circumstances, et cetera? That would be my thought on it.

Assemblyman Hammond:

I want to make sure I summarize this bill, so I can understand this bill completely. What the Commission has is a list of nonprofit organizations: people who work many hours on their own, who have a chance of getting a specialty license plate to generate some funds. Once in a while, something may come up where they basically step out of line, one organization goes past them, they go back in the line right after them, and everybody moves up. Is that right?

Assemblywoman Carlton:

Yes, you understand the bill very well. For example, March of Dimes is next in line for a special license plate. Their organization might have been reduced due to low contributions, and they may not currently have an executive director. That may have happened in July, and they are not prepared in October when they are up for a special license plate. I think we can all agree that March of Dimes is a very worthy charity to have a plate. I would hate to see them lose out all together rather than possibly giving them the option to come back a year later. Behind them in line may be Susan G. Komen for the Cure, a huge organization, prepared, and ready to go. We know they would sell a lot of plates, and we know that money would go to a good cause.

Assemblyman Hammond:

I understood that. We are empowering people who are working for free. I think this is a good bill. I understand the reservation of those on the Committee with the language, and I am sure it will work out. I see this bill being very effective.

Chair Dondero Loop:

Did this bill come out of the Commission?

Assemblywoman Carlton:

Actually, the Commission does not have bill draft requests, so I put in a personal bill.

Chair Dondero Loop:

It seems subjective to me that we would make those determinations. In the beginning, you said that things happen and I understand that. Things happen, so then the organizations will have to reapply. You can reapply, correct?

Assemblywoman Carlton:

Yes, you would be able to reapply, but it is a very long process. If you look at the list, there have been organizations that have been on it for a long time. It is usually 2 plates a year with a maximum of 25. We usually have two to three fall off. If you are number 10 or 11, it is going to be a long time before you

get there. I understand the subjectivity of it, but you need to take it in the total context of the Commission. Just because you have an application before the Commission, that does not mean it is going to get granted. One of these groups could come before the Commission, and we could think they are not prepared. The Commission does have the full power to deny an application. Just because an organization puts up a surety bond and has been in the queue, it does not mean we have to give them a special license plate. It is subjective from day one.

Chair Dondero Loop:

How long is the average wait to get a special license plate?

Assemblywoman Carlton:

I can give you some actual dates that were submitted on the plates to give you an idea of where we are: University Medical Center submitted their application in April 2006, and they were not granted their plate until October 2010; the National Law Enforcement Officers Memorial Fund submitted in June 2006, but it was withdrawn because they were not prepared; the Department of Wildlife plate was submitted September 2006 and was just approved October 2010. From 2006 to 2010 is a real-life example of how long you might be on the list. That was when we had a short list; it has gotten much longer since then.

Chair Dondero Loop:

Are there any other questions from the Committee?

Assemblywoman Benitez-Thompson:

The language of the bill itself does not set the limit to 25 specialty plates. That is something that the Commission on Special License Plates has decided?

Assemblywoman Carlton:

That was decided in the 72nd Legislative Session.

Chair Dondero Loop:

Are there any other questions? [There were none.] Thank you for your testimony. Is there anyone wishing to testify in support of A.B. 95? [There were none.] Is there any testimony opposing A.B. 95? [There was none.] Is there any testimony that is neutral? [There was none.] Is there anyone else wishing to testify on the bill? Seeing no one, I will close the hearing and hold the bill for a future work session.

I will entertain a motion to introduce Bill Draft Request 43-265.

BDR 43-265—Revises provisions regarding salvage vehicles. (Later introduced as [Assembly Bill 204](#).)

ASSEMBLYMAN ATKINSON MOVED FOR COMMITTEE
INTRODUCTION OF BDR 43-265.

ASSEMBLYMAN KIRNER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMEN DIAZ AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Chair Dondero Loop:

Is there any public comment here or in Las Vegas? [There was none.] We are
adjourned [at 3:46 p.m.].

RESPECTFULLY SUBMITTED:

Jordan Neubauer
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn Dondero Loop, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: February 22, 2011

Time of Meeting: 3:19 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Sign-in Sheet
A.B. 95	C	Assemblywoman Maggie Carlton, Clark County Assembly District No. 14	Special License Plates