

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

**Seventy-Sixth Session  
March 3, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 3:18 p.m. on Thursday, March 3, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/](http://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](mailto: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 Randy Kirner  
Assemblywoman Dina Neal  
Assemblyman Mark Sherwood  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Olivia Diaz (excused)  
Assemblyman Joseph M. Hogan (excused)

**GUEST LEGISLATORS PRESENT:**

None

**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:**

None

**Chair Dondero Loop:**

[Roll was called. Rules and protocol were stated.] Today we have a work session on Assembly Bill 2 and Assembly Bill 152. A work session is where the Committee reviews bills previously heard and any proposed amendments. It is not customary for the Committee to take testimony, or otherwise rehear the bills, but rather to take action on the bills. If a technical issue arises, the Chair, at her discretion, may ask a witness for clarification. Our Committee Policy Analyst, Jennifer Ruedy, will take us through the work session. Mrs. Ruedy, will you please start with A.B. 2?

**Assembly Bill 2:** Revises provisions relating to emissions testing for certain restored vehicles. (BDR 43-134)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 2 was heard on February 24, 2011. It provides for the exemption from the emissions inspection for older motor vehicles with certain special license plates that signify a vehicle is an old timer, street rod, classic rod, or classic vehicle, if the owner of the motor vehicle certifies that the motor vehicle has not been driven more than 2,500 miles the previous year. The measure further requires the owner of such a motor vehicle to pay a fee to the Department of Motor Vehicles to be accounted for in the Pollution Control Account, which is equal to the cost for a certificate of compliance with emission standards. There was one amendment provided at the Committee hearing on the bill, and that was submitted by Assemblywoman Kirkpatrick. She proposed the following amendment, which is in the work session document (Exhibit C). It increases the allowable number of annual miles from 2,500 to 5,000 miles to accommodate vehicle owners who travel to car shows in other states several times a year. She also acknowledged that Committee Counsel asked her to include in her amendment the deletion of the word "restored" from line 34, page 4 of the bill. That is not reflected in the amendment she provided, but she did put that on the record at the meeting.

**Chair Dondero Loop:**

Are there any questions for the staff? [There were none.] I would like to entertain a motion.

ASSEMBLYMAN HAMBRICK MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 2.

ASSEMBLYMAN KIRNER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DIAZ AND HOGAN  
WERE ABSENT FOR THE VOTE.)

**Chair Dondero Loop:**

Mrs. Ruedy, will you please take us through Assembly Bill 152?

**Assembly Bill 152:** Creates an advisory committee to develop recommendations  
for the funding of highways in this State. (BDR S-180)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 152 was heard on February 24, 2011 ([Exhibit C](#)). It creates an eight-member advisory committee to develop recommendations for increasing the funding for the construction and maintenance of highways in Nevada. The committee is also authorized to ask the voters at the 2012 general election for their advice on the recommendations. Three members of the committee must be appointed by the Majority Leader of the Senate and three must be appointed by the Speaker of the Assembly. Of these appointees, not more than one may be a member of the Senate and not more than one may be a member of the Assembly. Additionally, one member must be appointed by the Minority Leader of the Senate and one must be appointed by the Minority Leader of the Assembly. To the extent practicable, appointments to the committee must reflect the geographical diversity of the state. Assemblyman Atkinson, the sponsor of the bill, proposed an amendment to A.B. 152 to delete in subsection 6 of section 2, lines 28 through 31, following *compensation*, "except that while engaged in the business of the advisory committee, each member is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, to be paid from the Legislative Fund." This would effectively remove the provision for per diem. He noted that the intent of this amendment is to remove the fiscal note that is attached to the bill. There are also two documents, one is a memorandum ([Exhibit D](#)) from Lorne Malkiewich, the Director of the Legislative Counsel Bureau, and the other is a letter ([Exhibit E](#)) from the Las Vegas Associated General Contractors of America (AGC).

**Chair Dondero Loop:**

Thank you, Mrs. Ruedy. Are there any questions or comments regarding A.B. 152?

**Assemblyman Hambrick:**

My question is for Legal. I acknowledge the addendum we have from AGC. Would that equate to an amendment, or would we need a formal amendment?

**Darcy Johnson, Committee Counsel:**

We should probably remove the per diem language; other than that, we are good.

**Chair Dondero Loop:**

Are there any other questions?

**Assemblyman Sherwood:**

By way of clarification, the way I read this, the advisory committee would be impaneled through the end of the 2013 Legislative Session. What would that do to the Committee on Transportation in session? I am opposed to us giving away our position on the Transportation Committee. With that aside, would there be a conflict because we are going to be in session at the same time the advisory committee will be meeting? The advisory committee goes through June 2013. Did I misread that?

**Assemblyman Atkinson:**

It is clear that the recommendations will go on the 2012 ballot.

**Assemblyman Sherwood:**

When does the advisory committee disband?

**Chair Dondero Loop:**

I think you are talking about the term of each member of the advisory committee. It commences on July 1, 2011 and expires on June 30, 2013. Is that what you are referring to?

**Assemblyman Sherwood:**

Yes. January 2013 to June 2013 will interfere with the 2013 Legislative Session.

**Chair Dondero Loop:**

I would say an advisory committee's term would not denote a meeting.

**Assemblyman Sherwood:**

Is it redundant that the advisory committee would still be impaneled through June 2013? Would you be comfortable ending the advisory committee once we started session in January 2013?

**Assemblyman Frierson:**

It is my understanding this is an advisory committee. We are not punting our obligations or duties as legislators, but simply allowing a body to meet and review policy and make recommendations that we can consider at any point. My reading of it is not that we would be abdicating our obligations or duties whether it was before, during, or after session but simply creating the authority to have a group of individuals who are appointed to review in greater detail and make recommendations. I am comfortable with allowing some people, who have the time to look at these issues, review them and make recommendations.

**Assemblyman Atkinson:**

It is not like any other committee that is appointed during the interim. The advisory committee is appointed until the end of the year and session begins, which is 2013. All of us will be on interim committees, and that is how they run. It is the same thing.

**Assemblyman Kirner:**

The advisory committee is supposed to come up with recommendations that will go on the ballot in 2012. The Transportation Committee does not actually review anything before then, or is there a process where we would have a chance to review the recommendations with the advisory committee before they go on the ballot?

**Chair Dondero Loop:**

I believe the answer is no, which is why there will be legislators on the advisory committee. We are elected until November 2012; just because we are elected, it does not mean that we meet every day. Assemblyman Atkinson is correct; we have interim committees. I was on an interim committee for education, and we met three or four times. We were done by June. Just because there is an interim committee or a legislative committee, it does not denote the meetings that you may have or schedule.

**Assemblyman Kirner:**

I understand what you and Assemblyman Atkinson are saying, and that is why there are legislators on the committee. But the way the bill is written the advisory committee is not a bipartisan committee. Technically it could be, but it seems to me that the Speaker of the Assembly is appointing three and the Majority Leader of the Senate is appointing three, and they are likely to choose

Democrats. I am Republican, and I would like to see it more bipartisan. Is it bipartisan?

**Assemblyman Atkinson:**

It is unfortunate we are turning this into a partisan discussion because all of our committees in the interim have Republicans and Democrats on them. We never have the intent to do that.

**Assemblyman Kirner:**

I appreciate that.

**Chair Dondero Loop:**

Assemblyman Atkinson is absolutely right. I have never been on a committee that was not bipartisan. The leadership, no matter what house, is very sensitive to the fact that we need to represent the entire state as well as both parties.

**Assemblyman Hammond:**

I do not believe the committee would be partisan in any way. I am thinking about what I heard the Governor say recently about reviewing the need for committees and trying to figure out if there is any redundancy in the duties of these committees. I do not know if I can support this bill because of that, and I wanted to know what your thoughts are about that.

**Chair Dondero Loop:**

This committee does not have a fiscal note; transportation is a very important issue in our state because of the way we are geographically laid out; we are looking forward to creating some jobs and enhancing our transportation in this state. I do not see that as redundant to this committee. Everyone is entitled to their own opinion, but I do not see the redundancy at all. I have not been contacted by the Governor questioning this.

**Assemblyman Atkinson:**

I think Assemblyman Hammond's comments are not correct. The Governor is talking about boards and commissions. He is not talking about legislative committees.

**Chair Dondero Loop:**

Are there any other questions or concerns? [There were none.] I would like to entertain a motion.

ASSEMBLYMAN BROOKS MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 152.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HAMMOND AND  
SHERWOOD VOTED NO. ASSEMBLYMEN DIAZ AND HOGAN  
WERE ABSENT FOR THE VOTE.)

**Chair Dondero Loop:**

Is there any other public comment? [There was none.] Are there any  
comments from the Committee? [There were none.] We are adjourned [at  
3:35 p.m.].

RESPECTFULLY SUBMITTED:

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Jordan Neubauer  
Committee Secretary

APPROVED BY:

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Assemblywoman Marilyn Dondero Loop, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Transportation

**Date:** March 3, 2011

**Time of Meeting:** 3:18 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 2/ A.B. 152	C	Jennifer Ruedy	Work session document
A.B. 152	D	Lorne Malkiewich	Memorandum
A.B. 152	E	Mandi L. Lindsay	Support letter