

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

**Seventy-Sixth Session  
April 12, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 3:24 p.m. on Tuesday, April 12, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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  
Assemblywoman Olivia Diaz  
Assemblyman John Hambrick  
Assemblyman Scott Hammond  
Assemblyman Joseph M. Hogan  
Assemblyman Randy Kirner  
Assemblywoman Dina Neal  
Assemblyman Mark Sherwood  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Elliot T. Anderson, Clark County Assembly District No. 15

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Cheryl Gardner, Director, Area 8, Women Marines Association  
Luana J. Ritch, Private Citizen, Carson City, Nevada  
Jack Mallory, Private Citizen, Henderson, Nevada  
Troy Dillard, Deputy Director, Department of Motor Vehicles  
Danny Thompson, Executive Secretary Treasurer, Nevada State American Federation of Labor and Congress of Industrial Organizations  
Parker "Sam" Moffitt, representing Yellow Checker Star Transportation  
Kevin Wilson, representing Yellow Checker Star Transportation  
T. Ruthie Jones, representing Industrial Technical Professional Employees Union; Local 4873, Office and Professional Employees International Union; and American Federation of Labor and Congress of Industrial Organizations  
D. Neal Tomlinson, Regulatory Counsel, Frias Holding Company  
John Hickman, Chief Operating Officer, Frias Transportation Management  
Andrew J. MacKay, Chair, Nevada Transportation Authority, Department of Business and Industry  
Brent Bell, President, Whittlesea Blue Cab Company and Henderson Taxi  
Bill Shranko, Chief Operating Officer, Yellow Checker Star Transportation  
Randell S. Hynes, Private Citizen, Las Vegas, Nevada  
Mark E. Trafton, Vice President and General Counsel, Whittlesea Bell  
Bill Bradley, representing Nevada Justice Association  
Mark Froese, Administrator, Management Services and Programs Division, Department of Motor Vehicles  
Russell Rowe, representing American Council of Engineering Companies of Nevada

**Chair Dondero Loop:**

[Roll was called. Rules and protocol were stated.] We will hear three bills today and have a work session. I will open the hearing on Assembly Bill 277.

**Assembly Bill 277: Provides for the creation of alternative special license plates honoring service of female veterans. (BDR 43-810)**

**Assemblyman Elliot T. Anderson, Clark County Assembly District No. 15:**

The reason I got into politics as deep as I did, and really why I ended up here in the Legislature, was because of veteran advocacy. I saw disconnect between where I thought people who served this country should be and where they are now. I saw Vietnam veterans who were homeless as a result of being in the middle of two situations: one, being unemployable because of post-traumatic stress disorder; and two, becoming subsequently homeless due to a veterans' affairs backlog. They are not able to receive disability payments because they have nowhere for the payments to go since they are homeless. I saw documented misclassifications of disabilities in order to save money at the federal level. All of this, while two wars pile more people onto an already strained system. In general, this angered me.

As time went on and I became more and more involved in the political process, I soon learned what states do to help this issue. By in large, states have realized the federal government has problems and they need to do more. Many states have created state veterans' services offices, including Nevada. In addition to other duties, their core mission is to bring benefits into the state that the state's veterans are due. A person does not have to have a degree in economics to understand the benefit of getting federal dollars into the state, while at the same time easing the burden on the social safety net of our state. Here we have the Nevada Office of Veterans' Services which is supervised by the Nevada Veterans' Services Commission. I am proud to say I am now a member of the Nevada Veterans' Services Commission, and I take it very seriously. After all, it is the reason I started along the path I am on.

Last session, I was an intern in former Assemblywoman Kathy McClain's office. Ms. McClain received a great idea from a fellow Marine to make a female veterans' license plate, and that is what this bill before you does. It was an idea that I was asked to work on in the former Assemblywoman's office, and I was of course happy to do so.

Cheryl Gardner is the real deal. She is the one who brought the idea to me. She served in the Old Corps of the U.S. Marine Corps as a female Marine. Our overall motto in the Marines was "The few and the proud," and I can say that woman had a different motto, "The fewer and the prouder." She showed me examples of license plates across the country: Tennessee, New Mexico, Illinois, and California. California allows a number of logos that are determined by the license plate holder. They allow them to choose which one they want. I have also heard of legislation like this being offered across the country and I know

why. As we all know, getting federal dollars into the state is important because of the aforementioned reasons, but what these license plates do is allow the state to raise funds to help supplement the mission of the Nevada Office of Veterans' Services. The existing Gift Account for Veterans within our state provides additional resources provided for willingly by the veterans' community through a number of different options, depending on the service. It is used to supplement the office's outreach efforts. It allows the state to get more benefits to people who are caught up in the system. It provides stability for the office and allows the core mission to continue in the face of any downturn, current or future.

The amendment ([Exhibit C](#)) makes clear there is no fiscal impact. There was confusion with the drafters, and they wrote the bill to include an alternative version of every veteran's license plate. That was not the intent at all. The amendment makes it clear that the bill is supposed to be in the same style as the other veterans' license plate bill, as one plate. That is in order to make traffic enforcement less difficult on law enforcement. I have talked to law enforcement, and it does not have an issue with this bill. The amendment also removes sections 1 through 3, which are not needed according to my understanding from Legal because the veterans' license plate statute and funds existed prior to the Commission on Special License Plates. I have also added a transitory set of instructions to the Department of Motor Vehicles (DMV) to ensure the Nevada Veterans' Services Commission can tailor the image. There were concerns coming from the DMV that it would have this as a task, which again might have caused some staffing hours and would have caused a fiscal impact. I would be happy to answer any questions. There will be a few people to testify in support after me.

**Chair Dondero Loop:**

Thank you very much. I can certainly attest to how hard Mr. Anderson has worked on this bill. Are there any questions from the Committee?

**Assemblyman Hambrick:**

I want to be very careful and make sure I do not give the impression that I do not appreciate what all veterans have contributed to this country. In your presentation you mentioned the benefits, but looking at the bill, it seems to me your presentation is trying to make the bill very simplistic so we will pass this measure and the female veterans will have the opportunity to either have a male or female veterans' license plate. I will be voting in favor of this bill if it does simply what you stated. I want to make sure because there were some other things that confused me about the benefits. In looking at the amended version, I noticed you cut out a lot of material. You have sections 4, 5, 6, and 7 of the old bill left, and even a portion of 4 is deleted. Do I understand this correctly?

Basically, are we only worried about the license plate and the choice veterans may have in choosing which license plate they have on their vehicles?

**Assemblyman Anderson:**

The intent of this amendment is to make clear that it is one plate. The way it was written it would have made an alternative version for every single female veteran's license plate. That was not the intent. The intent was to have one plate. Sections 1 through 3 were amended out because the veterans' statute existed prior to the Commission on Special License Plates and those sections exempted them from the commission; those sections did not need to be there because of the existing statute.

**Assemblyman Kirner:**

Female veterans would add another category to U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, so would it be a sixth plate in that category? Do they keep statistics on the plates and if they fall below a certain number, do they get eliminated?

**Assemblyman Anderson:**

They do keep statistics because they have to track the amount of money that goes into the Gift Account for Veterans. That being said, because it is written into statute, the veterans' license plates were established before the Commission on Special License Plates. What you are referencing is a requirement designated by the Commission on Special License Plates. There has to be a certain number of license plates being used in order for it to not be eliminated from the list because of the requirements of the Commission on Special License Plates. Because veterans' license plates existed prior to the Commission on Special License Plates, they would not be subject to those requirements.

**Assemblyman Kirner:**

This would be a special license plate for women who have served in the armed forces. Have you received a "groundswell" from women asking for these separate license plates? I am curious where this comes from instead of having just a regular Army, Air Force, or Marine license plate.

**Assemblyman Anderson:**

There has been a big movement across the country to have a female veteran license plate. Like I said, there has been a wide variety of states: New Mexico, California, Tennessee, and Illinois. There is legislation proposed in Alaska and Minnesota. In addition I have received quite a few emails about this. I will leave the reason to some of my supporters. They can express why I decided to carry this forward a lot better than I can.

**Chair Dondero Loop:**

Are there additional questions? [There were none.] Mr. Anderson, would you like to go through the amendment now?

**Assemblyman Anderson:**

Sections 1, 2, and 3 were removed. These sections were originally in here because Legal thought it should be interpreted the same way as the Gold Star Family special plate that was created last session. This was not in the same category as that license plate. This is adding the same style as the other veterans' license plates with a different image. That is made clear by section 4, which we amended to get rid of subsection 3 and subsection 4 because it made it look like we were trying to make a different version for each type of veterans' license plate, which was not at all the intent.

In addition we added some language under subsection 2(b) to keep the format the same with how the other special license plates are established. In addition we added section 5, which is transitory language that directs the DMV to get the image from the Nevada Veterans' Services Commission. The bill is twofold. First it ensures the DMV is not doing any extra work and causing a fiscal impact, and second it makes sure the Nevada Veterans' Services Commission provides the image. Since we want to get an image representative of a female veteran, it is the right body to do that. That is what the commission exists for. It is there to advise the Governor and the Nevada Office of Veterans' Services with representatives from the veterans' community on the veterans' community. I believe I covered all the changes.

**Chair Dondero Loop:**

Are there any questions?

**Assemblyman Sherwood:**

Just for clarity, technically there will be one extra plate. I believe the limit for special license plates is 25 and this will be 26, but we will have a female veterans' and a regular veterans' license plate. Nobody will be bumped from the queue because of this, right?

**Assemblyman Anderson:**

That is correct. This has nothing to do with that requirement. That is under the Commission on Special License Plates. My understanding from Legal and the way we drafted it, it does not have anything to do with the commission. This is outside of any requirement of the commission because the statute existed prior to the commission.

**Assemblyman Atkinson:**

I certainly support the effort and I understand why it is not going to the Commission on Special License Plates, but I am trying to figure out the design. I have always had concerns that we have a lot of special license plates already. Section 4, subsection 4 says, "The Department shall, using any colors and designs which the Department deems appropriate." What does that mean? The Department can just make it up? From what I am hearing, the license plate will be identical to the veterans' license plate that we have now, but there may be something on there that indicates it is a female veteran as opposed to a male veteran.

**Assemblyman Anderson:**

I proposed to get rid of that part in the amendment ([Exhibit C](#)). There was some confusion with the bill drafter. The bill drafter put in that every plate would have an alternative version for women. That was not the intent. I wanted to make one license plate, period. That allowed the DMV to come up with different female versions of every license plate. When it says "The Department shall, using any colors and designs which the Department deems appropriate," it would allow the DMV the flexibility to come up with many images. It would have been a huge fiscal impact and that was not my intent at all.

**Assemblyman Atkinson:**

Can you explain to me what it is because maybe I am looking at the wrong thing.

**Assemblyman Anderson:**

The amendment makes clear in section 4 that it is to be one license plate. It changes and gets rid of proposed subsections 3 and 4. Instead, it ensures that it is one license plate. The amendment adds a new paragraph under section 4, subsection 2, which brings it into line with paragraph (a), which lists the other types of license plates the DMV can issue. In addition it changes some language in the part that deals with the types of images to be on the plates. Since the intent is to make the license plate in the same style as the other license plates, we wanted to make sure it read the same way as the other license plate statutes are written.

**Assemblyman Atkinson:**

You are confusing me. We have a veterans' license plate right now and it is for any veteran. Now there is going to be a female veterans' license plate and it is going to be identical to the other veterans' license plate, but what is going to be different?

**Assemblyman Anderson:**

That is correct. We want to have a different image. We want it to look the same as the other veterans' license plate with a different image.

**Assemblyman Atkinson:**

What is the image going to be? Do you know?

**Assemblyman Anderson:**

Under section 5, we created transitory language to allow the Nevada Veterans' Services Commission to submit the image to the DMV.

**Assemblyman Atkinson:**

You do not know what the image is going to be yet?

**Assemblyman Anderson:**

No.

**Chair Dondero Loop:**

Thank you. Are there any more questions from the Committee? [There were none.]

**Cheryl Gardner, Director, Area 8, Women Marines Association:**

It is a pleasure to be here in support of A.B. 277. I drive a vehicle sporting the United States Marine Corps license plate from the State of Nevada, and I cannot tell you how many times people ask me if my husband or son is a Marine. I am the Marine. I served in 1966 during the Vietnam era; it was a very rough time. I am proud to be a woman veteran, and I think it is time that women veterans are recognized. The great State of Nevada has some wonderful people serving on its Veterans' Services Commission. We would like to follow through by having women veterans recognized by having our own license plate. Tennessee did it first, followed shortly by New Mexico, Illinois, and there are several other states that are in the process of doing it. I do not remember which ones; I have not followed through with my investigation when I was working with Assemblyman Anderson to bring this bill forward. I appreciate the time to speak to you in support of this bill.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee?

**Assemblyman Hammond:**

Thank you for your service to our country. I hate to ask the question, but it is along the same lines as Assemblyman Hambrick. I look at the bill and I know there are a lot of other people who have served. Other than more recognition,



what else do you hope to accomplish? Do you like the conversation starter? People ask you about the license plate, and you get to tell them proudly that you are the veteran. What do you think the real need is for another plate that says female veteran?

**Cheryl Gardner:**

Frankly, I think it is insulting when people ask me those questions. It is very disturbing that women veterans are not recognized. I think it is strictly for recognition. Women serve our country. When I served, there was a draft. I raised my right hand willingly. I served our country because I wanted to, because I am a patriot, because I felt strongly that the president at that time was correct—ultimately I was proved wrong—but I was there of my own volition, and I just do not think women veterans are getting the recognition they deserve for their service.

**Assemblyman Hammond:**

I understand. I do not think it was an offensive question to be honest with you. The license plate does say veteran on it, and we are trying to get to a point in our society when we do not see color or a lot of other things. I was just wondering what you hope to gain by this. I did not mean to insult you at all.

**Cheryl Gardner:**

I was not saying you were insulting. I was saying when people come up to me and ask me about my Marine license plate, the tone of their voice is insulting, not you sir. I believe at one time Carole Turner, Deputy Director for the Nevada Office of Veterans' Services, told me there was in the area of 24,000 women veterans in the State of Nevada, so I believe it is time we stand up and get recognized. That is just veterans, not women who are currently serving. I personally know a female Marine Corporal over in Afghanistan right now, and I know she would be thrilled when she fulfills her contract with the United States Marine Corps to come home and have a license plate that says female veteran.

**Assemblyman Hammond:**

Are you hoping that people will open their eyes to the fact that we have that many women serving in the military or have had that many in the past?

**Cheryl Gardner:**

For heaven's sake, yes, absolutely. There are a number of women from my era who do not even realize they are veterans. It always shocks me when people say to me they did not realize they were a veteran. They served four years in the United States Marine Corps, United States Navy, or the United States Army, and they do not know they are a veteran. We need recognition.

**Chair Dondero Loop:**

Are there additional questions from the Committee? [There were none.]

**Luana J. Ritch, Private Citizen, Carson City, Nevada:**

I am a Sergeant First Class in the United States Army Retired Reserve. I am also a state employee on annual leave this afternoon. I am here today in support of A.B. 277 which would allow women veterans to elect a special symbol of their service on the veterans' license plate. I would like to thank Assemblyman Anderson for sponsoring this bill and the respect he has shown to women veterans for their service. [Continued to read from [Exhibit D.](#)]

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.] Is anyone else in support?

**Jack Mallory, Private Citizen, Henderson, Nevada:**

I am a United States Navy Veteran. Rosie the Riveter was an iconic figure during World War II. It recognized the contributions women made to the war effort and really made our success in that war possible. I think this measure is a small and simple way to recognize and honor those women who have served and sacrificed for our country.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.] Is anyone else in support? [There was no one.] Is anyone opposing A.B. 277? [There was no one.] Is anyone neutral?

**Troy Dillard, Deputy Director, Department of Motor Vehicles:**

We have worked together with Assemblyman Anderson on this bill to work out the concerns that came out initially in the first draft, as he has already completely explained to the Committee. As the bill is proposed with the amendment ([Exhibit C](#)), there is no fiscal impact that the DMV would incur. However, just for clarification purposes, you are all aware there is a similar bill that came out of the Senate, and for some reason the Legislative Counsel Bureau requested a fiscal note on that particular bill and not on this bill. I do not know why that is, but this bill would have had the same fiscal impact and there was some confusion over that. I want to make it clear that the amendment that is being proposed eliminates any fiscal impact that we would have submitted through an unsolicited fiscal note. We do not have any concerns with the bill.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.] Is anyone neutral? [There was no one.] I will close the hearing on A.B. 277. I will open the hearing on Assembly Bill 510.

**Assembly Bill 510:** Revises provisions governing the allocation of taxicabs by the Taxicab Authority. (BDR 58-1093)

**Danny Thompson, Executive Secretary Treasurer, Nevada State American Federation of Labor and Congress of Industrial Organizations:**

This is a very simple bill. Currently there is a Nevada Taxicab Authority in Clark County. As described in the bill, in order to have a Nevada Taxicab Authority, the county population has to be in excess of 400,000. That number is going to need to be changed soon because other counties are approaching that number now, if they have not surpassed it already. Currently, the Nevada Taxicab Authority only considers the well-being of the customer when it determines or decides to allocate more cabs. Because the drivers' ability to make a living is impacted by the number of cabs on the street, the Taxicab Authority is asking that the Legislature provide that, in addition to the well-being of the customer, you consider the well-being of the driver. This bill would not do anything other than allow the taxi drivers the opportunity for their problems to be considered when the Nevada Taxicab Authority considers putting more cabs on the street. It is nothing more complicated than that. There is not a lot more I can add about it because the number of cabs directly impacts the drivers' ability to make a living. How good of a living or how poor of a living they make is based on the number of trips they make. In Las Vegas there are a number of people who would like to testify in support of this bill.

**Chair Dondero Loop:**

Thank you. Will the people in support please come to the table?

**Parker "Sam" Moffitt, representing Yellow Checker Star Transportation:**

First, I would like to thank the Assembly Committee on Transportation for giving drivers of Las Vegas the opportunity to bring a bill before you, and I think this bill will give us a chance to improve our working conditions and earnings. I have been a cab driver in Las Vegas for 15 years. During that time I have seen many allocations of medallions, both permanent and temporary. Sometimes there was an urgent need for them, and other times I thought there was no need whatsoever. One thing that remained constant was at no time was there any consideration for the drivers, even though the cab drivers are probably the most important part of the industry. I feel that drivers should be entitled to the same consideration as the riding public. Just like the riding public, the drivers are also entitled to their interest, welfare, convenience, and

well-being. For that reason, I hope that the Committee will vote to pass Assembly Bill 510 and improve the working conditions of all drivers in the state of Nevada.

**Chair Dondero Loop:**

Are there any questions from the Committee?

**Assemblyman Brooks:**

How will this bill language improve your quality of work? I am confused. You are the driver, you pick somebody up, you want to make him happy, and you serve him. How is this going to help you?

**Parker "Sam" Moffitt:**

We have allocation hearings. Allocation hearings for temporary medallions, most of the time, are on a monthly basis due to different events that are taking place in Las Vegas. Once a year the Nevada Taxicab Authority holds an annual review of medallions; it takes into consideration the permanent medallions that are placed on the street at that time. Permanent medallions simply mean that once a medallion is allocated to the company, it stays with that company forever. It has been over two years since we have had medallion allocations; the reason being, of course, is the recession. During the time when we first had allocations, many things were taken into consideration. One of them was the different businesses, hotels, condos, et cetera that were going to open in the future. As a matter of fact, one that was taken into consideration was Echelon Place. Of course you know right now that Echelon Place has been sitting there in a shell for the last two years. There has not been any movement toward completing that project and it is a large project. What happens with these future projects is the Nevada Taxicab Authority puts more cabs on the street and that cuts down the drivers' number of rides, which impacts the drivers' earnings. The fewer rides the drivers make, the less money the drivers make. The only thing that is taken into consideration is the riding public, not how many rides a driver has or how much money he earns. The drivers feel that we should also be taken into consideration.

**Assemblyman Brooks:**

So if a convention comes into town, do you put more drivers on the road or not? How does it work? Do you have control over that?

**Parker "Sam" Moffitt:**

When a convention comes into town, it regards temporary medallions. A temporary medallion is a medallion that is put out for a special event. For instance, in town right now we have the National Association of Broadcasters, which is a large convention. We had an allocation hearing for temporary

medallions at the last Nevada Taxicab Authority meeting. They estimate how many people are going to be at this convention, and then they take allocations and put more cabs on the street in order to handle the large amount of people who are going to be there. Many times this comes from extra board drivers. All companies have extra board drivers; these are drivers that have been with the company for a very short period of time, so they are on call at all times. When there is a large event in town, these people are put into temporary medallion cabs. Also, many drivers that work four- or five-day shifts will work their days off when there is a large convention in town, so they can make more money. That is where the pool of drivers comes from.

**Assemblywoman Neal:**

I thought about this and the way I have characterized this issue is that it seems to come down to a wage issue. There was an influx of cabs that were put on the road and then they were not taken off the road. This caused an increase in more drivers being on the road when there did not need to be. Is this true?

**Parker "Sam" Moffitt:**

That is correct.

**Assemblywoman Neal:**

When I thought about this, if the central crux of the issue is the well-being of the driver, which is focused on how much you can earn per ride, then why not seek to solve the problem by trying to get minimum wage like the hotel industry did, so you at least have an established baseline to work from. Because it seems to me that this is what the problem is about. Either you want to regulate how many cabs are out on the street, or you want to deal with the wage issue.

**Parker "Sam" Moffitt:**

We are basically subcontractors. We do not earn a wage. We are paid according to the percentage of rides we complete. Each company has different percentages and different ways of doing things. Some companies pay so much for gas; other companies do not pay for gas. There are all different ways that companies pay. The problem is that our money comes strictly from how much we book, so of course when there are more cabs on the road and there are fewer people for the cabs to pickup, earnings go down. All we are trying to do is have the Nevada Taxicab Authority take drivers into consideration the same way they take the riding public into consideration. We feel, in order to earn enough money, the Nevada Taxicab Authority should take our welfare and earnings into consideration the same way they do the riding public.

**Assemblywoman Neal:**

I understand that. In the bill it says take into consideration the well-being of the drivers. What you just stated to me is the scope of what well-being means. What would be helpful is to define what well-being means within the context of your industry because once this bill becomes statute and it moves out into the world, it is subject to interpretation of what well-being is. What if it is subjected to some other viewpoint that you do not agree with? I know you can assume that the Nevada Taxicab Authority knows what that means, but that might not be the case. It can be interpreted in a different direction. I thought about this because I was thinking about solutions of how to deal with the wage issue and if this was going to be the bill we would need to give a scope to what well-being means.

**Parker "Sam" Moffitt:**

Well-being is difficult to explain exactly. This statute has been here ever since I have been driving a cab, which is 15 years. I am sure it is probably much older than that. If we can get this changed so we are given the same consideration as the riding public, we feel that we would have an arguable case when it comes to medallion allocations. We are simply working people. You are going to hear all sorts of things from attorneys and other people explaining why this bill is bad. In my opinion, I think that every American citizen is entitled to the same right that is in that statute for the riding public. When it comes to allocations, we are totally disregarded because the only thing that is taken into consideration is the welfare of the riding public, and that is what we want to change.

**Assemblyman Frierson:**

I can certainly understand the drivers' concerns when we are talking about increasing the number of medallions issued or increasing the number of cabs on the road, and I can relate to the desire to have that addressed. My concern is how do you, in a practical sense, address the best interest of the customer and the driver at the same time when often their interests go in different directions? A customer may want as many cabs on the road as possible so he does not have to wait, and a driver may want not as many cabs on the road so he can earn a living. I can understand it; I am just concerned about how it would work when there are diverse issues.

**Parker "Sam" Moffitt:**

The problem we have currently is that at one time, several years ago, the Nevada Taxicab Authority used to use what was called a trigger point. The trigger point was 24 rides per shift. Right now, cab drivers are averaging right around 19 trips per shift, which is considerably lower. Take into consideration that most drivers drive 12 hours a day; if you take the 19 rides

we are averaging per shift, that is less than 2 rides an hour. Many times, rides go across the street because Las Vegas is a unique place. What happens is the cab driver gives a ride across the street and then has to wait another hour before he gives another ride and he has only received a \$6 fare. This impacts our earning ability. It would be nice to have the trigger point system in place, which was not a law; it was simply a trigger point the Nevada Taxicab Authority used. It eventually was just brushed off to the side and not even discussed anymore. I am sure every driver in this room and in Las Vegas would have no problem at all giving excellent service if he were averaging two rides an hour which is what 24 rides a shift would be. The fact is that each time they come up with medallion allocations we say there is an overallocation. You can go on the Nevada Taxicab Authority website and see for yourself; you do not have to take my word. These 19 rides per shift have risen in the last four, five, or six months. That is actually more than what we have been averaging for two years.

**Assemblyman Carrillo:**

We are in the business to make money in any trade and you have been in this trade for 15 years, so I commend you for that. It is not something I could bear to take. When you get temporary medallions, are you looking at a substantial loss in the amount of rides? You said you have 19 rides per 12-hour shift. Does that drop down quite a bit with temporary medallions?

**Parker "Sam" Moffitt:**

Actually temporary medallions are a completely different story. They are put on the street when there is a large event. Temporary medallion allocations are close to right most of the time, but not all the time. The problem we have is the slow time, not the busy time. In Las Vegas, now is the busiest time of year. However, when June and July come around and there are no more large conventions in town for quite some time, things slow way down. Then we have drivers that are sitting on cab lines that are clear out in the street because they do not have any place to stage. That is where the problem is.

**Assemblyman Carrillo:**

What you are saying is permanent medallions are keeping those lines in the street and having more cabs sitting idle, not picking up as many fares, right?

**Parker "Sam" Moffitt:**

Absolutely, yes sir.

**Assemblyman Sherwood:**

Based on the testimony you have given us, it sounds like your trigger points are off about 20 percent, at 80 percent of your desired trigger point. Based on that

math, 20 percent of everyone who drives a taxi in Las Vegas would be out of a job. How would you propose to lay off 20 percent of the cab drivers?

**Parker "Sam" Moffitt:**

At this present time, the allocations and medallions are already etched in stone. I personally do not feel that there is any way to turn back the clock and say no, you guys have to give the medallions back. I have no problem whatsoever with free enterprise, but what I am concerned with is more medallion allocations than what are already done. Let us catch up to the 24 rides and then start talking about allocating more medallions.

**Assemblyman Sherwood:**

As it stands now, are you happy with the number of medallions and drivers? You just want to let it catch up? You are not suggesting that we should stop cabs or put drivers out of work until we get to the 24 trigger points?

**Parker "Sam" Moffitt:**

No, sir, I am not happy and I do not think most drivers are. However, we understand the fact that we have to live with what has happened. I just want to reiterate the fact that we cannot turn around what is on the street right now. Well, we probably could in some manner; what it would be I have no idea. What is there now is there now. What we want are the industry and the rides per shift to catch up to what we feel is a fair wage for drivers.

**Assemblyman Kirner:**

I am looking at the data from the Nevada Taxicab Authority website, March of this year versus March of last year, and the number of trips is up 8.37 percent, the average revenue per shift is up 7.48 percent, the number of average trips per shift is up 5.48 percent, and the average revenue per trip is up 2 percent. When I look at this data, it seems that we are in a pretty good position. I do not understand the industry well enough to say this is good or bad. Mr. Thompson is here, so I am assuming this industry is subject to collective bargaining and is this not part of collective bargaining?

**Danny Thompson:**

They do have collective bargaining rights, and they do have a collective bargaining agreement. The agreements vary. The medallions are not part of the agreement. This bill would not change anything except when the Nevada Taxicab Authority goes to issue the medallions, the drivers would have a seat at the table to say if you overissue these medallions, you are going to impact us as well. This bill would have the Nevada Taxicab Authority consider that. Right now, they do not. There is no consideration for the drivers. It is something done internally with the industry.



**Assemblyman Kirner:**

Just to be sure I heard you correctly, with this bill and the changes, which are just a couple of words, the drivers would have a seat at the table in terms of discussing whether or not to extend or not to extend temporary or permanent medallions?

**Danny Thompson:**

It would give them a seat at the table, yes.

**Assemblyman Hambrick:**

Mr. Moffitt, from what I have been hearing so far, you appear to be a very plain-spoken individual, and I have got a very harsh question to ask, and I appreciate your candor. I have a copy of the bill in front of me and the Legislative Counsel's Digest says, "This bill requires the Taxicab Authority to consider the interests, welfare, convenience, necessity and well-being of drivers of taxicabs . . . ." Do you really believe it is the state's job to do all of that? Would that be part of your collective bargaining? The state has a lot of responsibilities, but we cannot be all things to all people, and I think some of these requirements that are in this bill may go into Mr. Thompson's area as a collective bargaining issue. I would like to hear your response.

**Parker "Sam" Moffitt:**

The statistics Assemblyman Kirner mentioned were very true. I would suggest he go back to 2007 at the peak of things when things were very good here. You will find out that we are just now drawing fairly close to what the numbers were then.

It is hard to have a collective bargaining agreement to go with this statute. First, we do not have a collective bargaining agreement with the Nevada Taxicab Authority. The Nevada Taxicab Authority is here to regulate the industry and to enforce the laws that govern the industry. What you are proposing is that we somehow bargain with the Nevada Taxicab Authority to get them to consider us. I do not see how that can possibly be. Another thing I would like to point out is, yes, the company I work for, Yellow Checker Star Transportation, has a collective bargaining agreement, but there are many taxicab companies in Las Vegas that do not have collective bargaining agreements because they are not unionized. If you do not have a collective bargaining agreement, how can you possibly put this into the rules? What goes on with the statute, in my opinion, does not have anything whatsoever to do with collective bargaining. It has to do with the law. The law states, right now, that the only thing to be taken into consideration is the welfare of the riding public. All we want the law to state is that taxicab drivers' welfare and

well-being is taken into consideration also. I do not think that is an unreasonable request.

**Assemblyman Hogan:**

I would like to ask the drivers or suggest that we try and get a sense of how this would work on a practical level. I think a number of the questions would be answered if we had some indication from you as to how you might be able to communicate, as you have to us, to the Nevada Taxicab Authority the concerns that you feel it should understand, so it can take into consideration these factors. Are there adequate formal channels for this? Would we need to invent a way you can have a fair and adequate opportunity to summarize your position and your concerns? I would like it if you could give us some information on how you would convey that information and to some extent what elements of information you would think would be important for you to convey to the Nevada Taxicab Authority if you had the opportunity.

**Parker "Sam" Moffitt:**

Each month the Nevada Taxicab Authority has a scheduled meeting. The companies, unions, and drivers are allowed to attend. Whenever there is an allocation hearing, this very statute that we are trying to get changed is repeatedly uttered by almost every certificate holder because when drivers come with an argument about what will affect the drivers' earnings, every company that has interveners comes up to make a statement on this. The issue is the fact that they bring this to light every time. They say the only thing to be taken into consideration is the welfare of the riding public. That is like a double-edged sword. It cuts our hands off because we are not supposed to be taken into consideration. This is all we want. This is what the whole issue is about—the fact that we want to be recognized as much as anybody else for the same rights and issues as the riding public or anyone working or earning a living.

**Assemblyman Hambrick:**

I believe this bill was before the Committee last session, and for whatever reason, it did not pass. From your perspective only, what were the questions or problems that arose last session that were unfortunately not overcome?

**Danny Thompson:**

The bill was not heard last session. It was introduced, but there was never a hearing on the bill. This is a complicated issue and there are different collective bargaining agreements. In some of these agreements the people share revenue and fees. To answer your other question why it is difficult to collectively bargain something like this, I will give you an example. A couple sessions ago the Legislature considered increasing the trip fee as a way to generate revenue,

and the way some of the collective bargaining agreements are, the driver would have ended up paying those fees out of his back pocket. Last session this bill did not get a hearing, so questions were not discussed. The number of cab drivers on the street drastically impacts the cab drivers' ability to make a living. This bill would only give them a seat at the table, so the Nevada Taxicab Authority could consider some issues, such as talking about raising fees because some people pay parts of the fees in addition to sharing the revenue.

**Assemblyman Hogan:**

As we approach the end of the hearing, it is time for those of us who have feelings on what the outcome should be to share that wisdom and allow others to agree or differ. It seems to me there is nothing unusual about Americans expecting employers to be considerate and concerned about their employees, about the lifestyle they can live with the earnings and benefits that they have and to try to make those reasonably good. We celebrate companies that are particularly considerate of their employees who have really good programs, from safety to other types of benefits, and consider that a very honorable way for corporations to behave and carry out their part of American life. It seems to me not at all unusual or inconsistent with what goes on in many industries to say in addition to looking into the benefits of the general public, it would be appropriate to take note of what the effects of the policies are on the employees and what they think about them. It seems to me there is nothing revolutionary about introducing these concerns for the Nevada Taxicab Authority to consider and to permit the workers to comment on; it does not dictate the outcome or the conclusion. Quite often they might make the same decisions they might have otherwise, but it does not offend me at all to suggest that it is a healthy thing to create channels through which employers can understand how their policies are affecting their workforce, which is actually the way people judge that corporation and that activity. For a regulatory agency like the Nevada Taxicab Authority to engage in that same sort of practice that is considerate of the concerns of the employees, I think it is very appropriate. Having a law that does not allow for that gathering of information and that information having an affect on the decisions is kind of slamming the door on their opportunities to contribute to the idea of the harmonious workforce and look out for the right and experience of their employees. That is where I stand.

**Chair Dondero Loop:**

Are there additional questions from the Committee? [There were none.]

**Kevin Wilson, representing Yellow Checker Star Transportation:**

I am here today because I have some real concerns about the direction that the Nevada Taxicab Authority has been going. It has completely devalued the importance of drivers themselves in favor of the certificate owners.

For example, the last three or four months since the new board has been there, it has voted 100 percent in favor of allocating whatever the owners have suggested. That is not an objective and fair decision; it is basically bidding for the owners, and it is ridiculous. It is very frustrating to speak before a board and know that everything you say is not going to matter. I apologize; I get a little bit emotional sometimes. I, myself, completely feel like whatever we do as taxicab drivers is not going to be listened to and is not going to be heard. Bear in mind when they say more medallions mean better service to the customers, it is not necessarily true. More medallions create a huge amount of problems on the roads. It has taxicab drivers sitting off stands and getting tickets. It has us waiting hours on end for a ride, which is not good. We work 12 hours a day, 60 hours a week. We feel that we should have a voice as well; we do not right now.

**Chair Dondero Loop:**

Thank you. Are there any questions for Mr. Wilson? [There were none.] Does anyone else want to speak in support of A.B. 510?

**T. Ruthie Jones, representing Industrial Technical Professional Employees Union; Local 4873, Office and Professional Employees International Union; and American Federation of Labor and Congress of Industrial Organizations:**

My name is Theatla "Ruthie" Jones, and I am the local representative of the Industrial Technical Professional Employees (ITPE) Union and Local 4873 of the Office and Professional Employees International Union (OPEIU) affiliate. We represent more than 2,000 taxi drivers, and my brothers and sisters of the United Steelworkers Union represent approximately 3,000 taxi drivers in Las Vegas. Thank you for this opportunity to appear before your Committee to address an issue of vital importance to the approximately 10,000 taxi drivers, their families, and the taxicab riders in Las Vegas. [Continued to read from [\(Exhibit E\)](#).]

In other words, what we are seeking is an avenue for the drivers to have a remedy when there are too many cabs allocated. Those cabs that were allocated in 2007 remained on the road. The drivers had to be the ones to absorb whatever the consequences were as far as their revenue in being able to successfully take care of their families like they are supposed to. You cannot remove medallions regardless of whether or not there is an overallocation of cabs, and there was an overallocation based on various hotels and apartments' future openings, such as Echelon Place and Fontainebleau Resort Las Vegas. Now, as of May 16, 2011, Sahara Hotel and Casino will be closing. [Continued to read from [\(Exhibit E\)](#).]

**Chair Dondero Loop:**

Thank you. Are there any questions?

**Assemblyman Hambrick:**

You make some valid points, especially about addressing the government for redress. Have you or a number of your drivers talked with the Nevada Taxicab Authority to address this issue?

**T. Ruthie Jones:**

We appear before the Nevada Taxicab Authority on a monthly basis. We are saying if at anytime they overallocate cabs, there is no remedy for the drivers to seek satisfaction in the matter. If there is a violation of the *Nevada Revised Statutes* (NRS), only the certificate holders have a right to request a remedy, not the drivers. If there is an overallocation of cabs, there is no way that we have any input in legally challenging that. If we did, we would have challenged it with the overallocation in 2007. Instead the drivers had to bear those additional medallions on their financial back.

**Assemblyman Hambrick:**

I appreciate that, but in the language of the Legislative Counsel's Digest, the bill is requesting the Nevada Taxicab Authority to consider the interests, welfare, convenience, necessity, and well-being of the driver, so you are asking us to pass a bill to force the Nevada Taxicab Authority to consider many factors. Have you yet stepped before them asking them to do the same thing prior to coming to the Legislature?

**T. Ruthie Jones:**

Of course, but what I am saying is they are under no obligation to consider the needs, necessities, and well-being of the taxicab drivers. I do feel, as well as my peers here, an overallocation of cabs impacts you, the riding public, as well as the driver. You cannot assume the driver is going to take you on the direct route. If the driver feels pressure to maintain a certain average of rides or above, then he is out on the ride to keep his job. He may deviate from professionalism at your expense, and that is not what we want. We just want consideration. Some of the certificate holders make sure that the Nevada Taxicab Authority knows what its function is and that is to only consider the needs, necessities, and well-being of the taxicab riders, not the drivers. They do not say the drivers are left out, but we know when they do that, it is what the intent of the wording is.

**Assemblyman Brooks:**

Are you telling me, when the Nevada Taxicab Authority gets together, the drivers have no say? There is no way to be a part of some of the questions that are asked or the decisions that are made? You have no say?

**T. Ruthie Jones:**

No, we have a say. We attend the Nevada Taxicab Authority monthly meetings, representing the drivers. Some of the drivers go to the meetings and express themselves to the Nevada Taxicab Authority, but what I am saying is if there is no remedy or provision in the law for us to challenge any overallocation of cabs, we are just at the meetings as spectators. When it comes to challenging the allocation of taxicabs, we do not have the authority; by law we have no legal remedy. If the certificate holders disagree with the Nevada Taxicab Authority on an issue having to do with an over allocation of cabs or whatever it may be, they have the law on their side. The only law that the taxicab driver must adhere to are the violations in the NRS. As far as having to take the drivers into consideration in any other sense, having to do with the NRS, the drivers are not a part of that and that is what we are requesting. We want to have consideration and hopefully make the drivers a part of the law. I feel if they were part of the law, you would not have certificate holders saying it is best to overallocate as opposed to underallocate because the riding public would get better service. It is not true. The riding public is subject to abuse because of the fact the driver is out there to make a living. He does not have expectations from his employer, so if you overallocate, you shrink the pot that is out there and you are subject to have a driver step outside of his professional driver's status and take you a longer route than necessary.

**Assemblywoman Neal:**

If the certificate holder is the only one who has the capacity to bring a remedy or deal with the issue, then how will the insertion of the drivers' language give you a better footing? It sounds like the issue that needs to be dealt with is trying to create a remedy that is the same as the certificate holder or regulate the medallions. I do not believe in solutions that go around the problem; I believe in solutions that deal with the problem. From your testimony and all the other testimony, the issue is the medallion allocation: having too many cabs on the road and not being able to deal with it in any manner. That is what I thought I heard you say.

**T. Ruthie Jones:**

Yes, you do not have a legal right to challenge it. You cannot challenge an overallocation, and I stated to you what happened in 2007 was a major overallocation of cabs. To this day, I do not believe we have fully absorbed all

those cabs. We had no remedy to challenge that, and I feel if there was language in the NRS giving equal footage, the certificate holders would think better of their statements. When companies say we should blanket the city with cabs, how is that going to help the drivers maintain their livelihood and take care of their families if you give no regards to their statement? If we had an equal footage, I feel that they would have to be careful about what they say and how they seek additional medallions because they would have to take someone else into consideration. At this point in time, they do not have to.

**Chair Dondero Loop:**

Thank you. I do not see any additional questions. We have covered everybody who wants to speak in support. I want to move to opposition now. Those who are opposed to A.B. 510, please come up to the table.

**D. Neal Tomlinson, Regulatory Counsel, Frias Holding Company:**

The companies I represent today are Ace Cab Company, Union Cab Company, A-North Las Vegas Cab, Vegas Western Cab Company, Virgin Valley Cab Company, Las Vegas Limousines, and Airline Limousine Corporation. First off I want to address some of the comments that I heard in support of A.B. 510 that I think are very misleading to this Committee. I think Assemblyman Brooks may have touched on some misleading information with Ms. Jones. Each month when the Nevada Taxicab Authority has its hearing, the unions, just like the companies, all file petitions for leave to intervene with whatever agenda item we are interested in. We file those, and at the beginning of the hearing, the Chairman of the Nevada Taxicab Authority takes them and typically grants them all. The unions' applications for the petitions for leave to intervene are just like ours; they are granted, and they have the same standing at each and every hearing that they intervene in, just like the companies. For people to say they have no legal standing and they do not have a seat at the table is just not true. They have the exact same seat at the table that the companies have. If you look in the statute, it does not say to look after the interest, welfare, convenience, necessity, and well-being of the taxicab companies. It says the customers of taxicabs. To put the drivers in front of taxicab customers would put them ahead of the companies. The entire purpose of the Nevada Taxicab Authority is to look out for the riding public or taxicab customers, and it has been that way for 40 years since this whole regulatory scheme that we have regulating taxicabs in counties over 400,000 population has been in place. It is just inappropriate and not true to say that these unions currently do not have a seat at the table and do not have legal standing because they absolutely do. Each hearing when their petition for leave to intervene is granted, if they are unhappy with the decision, as an aggrieved party they can appeal that directly to the Nevada Transportation Authority.

I heard one comment that there was a vote of 100 percent in favor of the companies in the last few months. That is untrue; in fact, I have an appeal myself that I filed on behalf of my clients pending in front of the Nevada Transportation Authority. By statute there is a direct appeal. If you are not happy with the decision of the Nevada Taxicab Authority, you file an appeal with the Nevada Transportation Authority. Chairman Andy MacKay is around here somewhere, but those appeals are directly heard by the Nevada Transportation Authority. There is a process in place. It is absolutely not true to say that the drivers do not have a seat at the table. They have the same seat at the table that the companies do.

[Read from ([Exhibit F](#)).] Assembly Bill No. 371 of the 75th Session was rejected by this Committee in 2009, and I was here and I testified in opposition to it. The reason we testified in opposition to it is because it was directly contrary to what the statute says right now. You simply cannot have a statute that requires an agency to reconcile the interest of two vastly different parties; in this case you would be asking the Nevada Taxicab Authority to do an impossible task. You would be asking them to justify the convenience, necessity, and well-being of not only the taxicab customers, but also the drivers. It is a process that cannot take place right now. They have to have a priority and a mission. The mission, for over 40 years in our statute, has been the traveling public or the customers of taxicabs. That is the whole purpose behind the Nevada Taxicab Authority. The Chairman of the Nevada Taxicab Authority actually testified the same day I did against this bill in 2009, and she said at the time, "It is our feeling at the Taxicab Authority that first and foremost, we need to protect the riding public and, in order to do that, we have to put their interest first." That was her testimony at the time, and it is absolutely still true today.

I want to give you an example of how it would be impossible for the Nevada Taxicab Authority to reconcile or make a decision that is in the best interest of one of these groups over the other. If you were to amend the statute to say that the Nevada Taxicab Authority has to consider the interest, welfare, convenience, necessity, and well-being of the drivers and the customers of taxicabs, those interests are different in a lot of ways. A recent example is two major events in Las Vegas: the National Finals Rodeo, which is a very large event that Las Vegas is trying to keep despite heavy competition, and also the MAGIC convention. In almost all special events, the unions file a petition to intervene, and they come before the Nevada Taxicab Authority, and they say they do not think the Nevada Taxicab Authority should allocate any additional cabs—they say zero, most of the time. The Nevada Taxicab Authority, most of the time, allocates some cabs, but does so because it looks at the travel and tourism data and the report put out by the convention



authority. They say we have 150,000 people coming in town for this event, so we absolutely have to have a temporary allocation of cabs, and they do it. If the Nevada Taxicab Authority was put in a position where there are drivers on par with the customers of taxicabs in the statute, how do they reconcile that? How do they tell the unions we have 150,000 people in town, and you are saying we need zero cabs, but we know that these taxicab customers need to get from point A to point B, and they are going to need extra cabs to do that. How is it possible for the Nevada Taxicab Authority to justify that?

The other major problem I see with this bill is where does it stop on adding somebody's interest into the statute? If you want to add the drivers next to taxicab customers, do you also add the taxicab companies? We are not in the statute. Do you also add hotels and casinos? Do they want to be part of this bill too? They call us all the time and say we need our people picked up. Well maybe they need to be in the bill so we can add hotels and casinos, the convention centers, the airports, the restaurants—where does it end? The fact of the matter is the statute was set up like this for a good reason. The reason is to serve the traveling public, the taxicab customers.

Another reason we are opposed to this bill is because we feel that this is strongly a labor management issue, which has no place in this statute and no place in this Committee. If the word "drivers" was inserted into this statute, you would put the Nevada Taxicab Authority squarely into a situation where it is trying to arbitrate issues that should be left to collective bargaining agreements between the drivers and the taxicab companies. I understand that approximately 75 percent of all drivers are represented by the unions, so they are under collective bargaining agreements. The collective bargaining agreements for the companies I represent are negotiated from time to time. We currently have a three-year collective bargaining agreement in place that expires September 30, 2012. Seventy-five percent of the drivers are covered under a collective bargaining agreement, and those agreements are between the unions and the companies. If you change the statute, you are going to put the Nevada Taxicab Authority into the impossible position of trying to mediate issues that should be addressed in collective bargaining discussions instead of in front of the Nevada Taxicab Authority when it is trying to take care of the traveling public.

That is all the comments I have at this time. John Hickman is here with me, and we both are available to answer any questions the Committee may have.

**Chair Dondero Loop:**

Are there any questions from the Committee?

**Assemblywoman Neal:**

You said 75 percent of the drivers are covered by unions, so what about the other 25 percent and why are some not unionized?

**D. Neal Tomlinson:**

The way I understand, the drivers certainly have a choice whether they want to unionize or not, and some drivers simply do not want to join the union.

**Assemblywoman Neal:**

The 25 percent is left out unprotected?

**D. Neal Tomlinson:**

No, as far as the group of companies I represent, they have the exact same benefits as the collective bargaining agreement, but I will let Mr. Hickman answer that.

**John Hickman, Chief Operating Officer, Frias Transportation Management:**

Ten of the sixteen companies that operate in the taxicab industry in Las Vegas are represented by collective bargaining agreements either with the United Steelworkers Union or the Industrial Technical Professional Employees International Union; obviously six of the companies have yet to be unionized. To my understanding, whether a driver decides to participate in union activities or not, the ten companies that are represented by collective bargaining agreements still fall under the protection and representation of the union leadership; they do not discriminate. Twenty-five percent of the drivers that we refer to that are not under a collective bargaining agreement work for those six companies that, to this point, are not unionized.

**Assemblywoman Neal:**

This is a separate issue. Mr. Tomlinson brought an argument he presented dealing with the economic interest of the drivers. The first thing that came to my mind when that came up was that there was a point in time in the hotel industry where employees' wages and how they were treated were not statutorily protected. There was a battle and fight, and then they were able to get minimum wage. Are the drivers finding themselves in the same illusory process of wages: the need to stabilize what that is versus tips and percentages?

**D. Neal Tomlinson:**

I do not know if I can answer the question, but I will try. The collective bargaining agreement sets forth the formula whereby the drivers agree to be paid through a certain formula. If for some reason it works out that they are not making at least minimum wage, the Frias Holding Company pays everybody

minimum wage. They make up the difference, but the fact is there has been a new Internal Revenue Service (IRS) Tip Rate Determination and Education Program that has been put in place, and my understanding is that all these drivers are being paid at least minimum wage if not more. Mr. Hickman can address the tip issue.

**John Hickman:**

To answer part of your question, from the Frias Company's standpoint, drivers, wages, incomes, and living standards are very critical, very important, not the least of which is the discussion that Mr. Tomlinson just talked about: the fact that when we have a driver who, based on the formula that has arrived out of a collective bargaining agreement, makes what would be a minimum wage for hours worked, we make an additional payment so that driver would make at least minimum wage. We do not want to have to pay people minimum wage; we want everybody to make more than that. I do not believe the drivers at our companies fall within the definition you are talking about with the incidents that happened with the hotel workers.

**Assemblywoman Neal:**

There was a point where a barback would have minimum wage and his tips on top of that. I was thinking the same setup would work for the taxi drivers. Some of the waitresses maybe get paid \$3 an hour as a base, and they get their tips on top of that. Is that a structure or possibility?

**John Hickman:**

You are correct. The minimum wage formula is based on a tip criteria agreement that recently arrived with the IRS. Our drivers participate in a tip rate agreement as designed by the company and negotiations with the IRS, and in fact, then their minimum wage would be calculated using the tip rate agreement and the tip rate.

**Chair Dondero Loop:**

Are there additional questions from the Committee? [There were none.]

**Andrew J. MacKay, Chair, Nevada Transportation Authority, Department of Business and Industry:**

I had no intentions of speaking on this bill, nor does the Nevada Transportation Authority have any position with respect to this matter. I was requested to step forward to the table to clarify and put on the record with respect to any decision that is rendered by the Nevada Taxicab Authority board. If a person and or entity does not agree with a decision rendered by the Nevada Taxicab Authority, he, she, or they may appeal the decision to the

Nevada Transportation Authority, so the representation is on the record relative to the appellate process. I think that is what was represented.

**Assemblyman Hogan:**

It has been said that it would be impossible for the Nevada Taxicab Authority to reconcile or recognize the hopelessly opposed position of the drivers and the needs of the public. From your vantage point and with your experience, is it your feeling that the Nevada Transportation Authority would not be able to take a look at the concerns of the employees and call upon your awareness of the needs of the public in a given situation if the Nevada Taxicab Authority needs to make a decision? Would you say that they would not be able to reconcile, if there were some difference between those two? Or you could, but it would be a little difficult, like any decisions we all face. Is it impossible or doable?

**Andrew J. MacKay:**

I am not one to say anything is impossible. With respect to an appeal, it is extremely limited in terms of what the Nevada Transportation Authority can do. The Nevada Transportation Authority is made up of me and two other commissioners, Monica Metz and Michael Klobardanz. We evaluate the evidence put forth on the record on appeal, and the determination is quite simple in the fact that we make a determination if the decision rendered by the Nevada Taxicab Authority was clearly erroneous or not. If it was clearly erroneous, then obviously the Nevada Transportation Authority has a couple options; it can remand it back with instructions or just simply reverse it. Case in point, in 2007 there was an appeal of a Nevada Taxicab Authority decision with respect to a temporary medallion allocation for a NASCAR event. The appeal was based on the fact that the Nevada Taxicab Authority restricted the temporary medallion allocation geographically and from a time standpoint. The question at the time was did the Nevada Taxicab Authority rule accordingly. The Nevada Transportation Authority remanded it back because the commissioners made a determination and reversed the decision that what they did was an error. There is precedence that the Nevada Transportation Authority can either reverse the decision or affirm the decision.

At our regularly scheduled meeting last month, there was an appeal of a Nevada Taxicab Authority decision, and the Nevada Transportation Authority affirmed the decision of the board. I heard a comment tantamount to the companies get everything they want. Currently there is another appeal in front of us, filed by the Frias companies, with respect to denial of a rate modification for the rates charged by the taxicab industry in Clark County. The Nevada Taxicab Authority said no, and now it is in front of us.

It is ultimately going to depend on if they acted according to statute. If the statute says they have to consider the interest of the drivers, then we have to work within that same paradigm. I will say, with all due respect, we give great deference to our sister regulatory agency, that being the Nevada Taxicab Authority. They have been doing it for years, and they are pretty good at it.

**Chair Dondero Loop:**

Thank you for coming forward. Are there any additional questions from the Committee? [There were none.] Is anyone else in opposition?

**Brent Bell, President, Whittlesea Blue Cab Company and Henderson Taxi:**

I will keep my comments brief because I thought Mr. Tomlinson did an excellent job and covered practically everything I was going to say. I would like to expand a little bit on the Nevada Taxicab Authority hearings that were mentioned. One thing that was not brought up is that the Nevada Taxicab Authority staff also has a lot of influence in these hearings and helps the board decide how many extra cabs will be put on the road. They take a lot of things into consideration, and they do extensive research. They speak with the Las Vegas Convention and Visitors Authority, the convention show producers, and they also look at the history and what the quality of taxicab service was at the last convention or the last event. When you talk about permanent medallions, they also look at the quality of service. There is another party to the hearings that provides input before decisions are made.

This bill tries to fix a statute that is not broken. I can testify to that because Mr. Moffitt said there has not been a permanent allocation in over two years, and that is actually the case. I will argue that drivers have certainly been taken into consideration because of that. We have had a slowdown in the economy, and because of the slowdown, things are not as good as they were in 2007. With that being said, there have not been additional allocations in the last two years. I wanted to make that point, and I also want to make the point that the union and the drivers are asking you to basically legislate the Nevada Taxicab Authority's job, and you obviously do not have the information in front of you like the Nevada Taxicab Authority does on a regular basis. Those are all the points I would like to make, and I would be happy to answer any questions.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.]

**Bill Shranko, Chief Operating Officer, Yellow Checker Star Transportation:**

Chairman MacKay said something that is not said very often—the Nevada Taxicab Authority does a wonderful job, so wonderful, that people come in from Australia, Czechoslovakia, and all over the world to test the regulatory system it

has. You probably wonder when they say they have to protect the traveling public, but why, what do they do? They standardize the fares so there are not any conflicts on cab stands with different rates. Of the cities that deregulated, there were 21 at one time, 17 went back fighting a very difficult legal process to get back to regulation because the size of the cab fleets in those cities doubled. They do FBI background checks that prevent convicted felons, sexual deviants, or drug addicts from working in this industry to ensure that customers get a safe ride. I drove for seven years, and that protection is important. They also do mandatory vehicle inspections. They have a staff of vehicle inspectors that have open access 24 hours a day on every company's property. They do annual inspections on vehicles to ensure safety. They also do random checks, any time, including at the airport or anywhere else they see a violation. In addition to that, Las Vegas is one of the few cities in the world that only allows cabs on the road for so long.

The allocation process, as Mr. Bell mentioned, has worked very well, and we have not had an allocation in two years. One thing that was said by one of Yellow Checker Star Transportation's representatives was misquoted. Yellow Checker Star Transportation is not a contract carrier. Ninety-five percent of the drivers in the rest of the United States are, but we are not. They are employees of us and have very good bargaining rights. Yellow Checker Star Transportation's union probably has the best contract in the industry, and these days our drivers do not pay for fuel. It is only about 15 gallons times \$4, so \$60 a day. Right now we think drivers licensing and all the protections they have is very important, and a lot of the things they want are in the collective bargaining agreement. The companies that do not have collective bargaining have the option of doing it, but their employees seem to be well satisfied, as do the majority of the Yellow Checker Star drivers. We are really pleased with the relationship we have had.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.] Is anyone else in opposition? [There was no one.] Is anyone neutral?

**Randell S. Hynes, Private Citizen, Las Vegas, Nevada:**

I cut my advocacy teeth on helping out taxicab drivers. I drove for Nellis Cab Company for almost seven years. I am testifying as neutral because I no longer have a dog in this fight. This bill came up last session, and it never actually made a hearing. It was short-circuited sometime before the bill was actually allowed to be discussed.

Taxicab drivers really do not have a voice. After a certain point when too many taxicabs were allocated on the street, I had to stop driving and find a new job

because my annual income had been cut to about a third of what it had been for the five-and-a-half years before that. After a certain point a lot of the drivers asked me to come forth and represent them in the Nevada Taxicab Authority meetings. I investigated and learned a lot of the problems that actually occurred between the limousine companies and taxicab companies, and I addressed some of those concerns with the Nevada Transportation Authority.

The unions actually brought this bill forward in 2009, which was short-circuited. The consideration of the drivers is rarely taken into consideration. It is a high turnover industry. The drivers cannot really get a cohesive voice behind them because, basically, it is turning over year after year. My main complaint during the latter part of my advocacy for taxicab drivers was that a good majority of the honest taxicab drivers could not even make minimum wage. If they went out on a 12-hour shift and did what they were supposed to do, not take people the long way or systematically long haul people from the airport, they could not make enough money on their meter to make minimum wage. The only way to actually make enough money to actually stay on staff to continue to be an employee of a taxicab company was to go to the airport and systematically long haul people. I just did not have the gumption for that, and I was told that I needed to do that, and when I said I do not have the gumption to do it, they would say I did not need to do it all night long, just enough to make average. There were times when I was a top Booker when there were not as many taxicabs on the streets. But as they started allocating more and more taxicabs, it got to the point where basically there was a single-digit increase in the tourism but there was almost a 30 percent increase in the number of taxis on the street. As we tried to find work and we went to the taxicab stands to wait, we waited and waited and there were too many cabs for the amount of work.

I do not have a dog in this fight. I thought I would say my piece and let you know that the drivers are not being considered. There are still way too many taxicabs on the street, but because of the investments that the taxicab companies have made in new taxis and all the support that goes behind that, there is no interest in taking any taxicabs off the street. There are still way too many taxicabs out on the streets for the drivers to make enough money. As they realize they cannot make minimum wage, they move onto a new job and do something else. They are satisfied with what they are doing now because it is cash every night even though it is just a tiny fistful.

**Chair Dondero Loop:**

Thank you. Are there questions from the Committee?

**Assemblyman Atkinson:**

You said last session the bill was never heard; it was short-circuited. What do you mean by that?

**Randell S. Hynes:**

At some point we expected that the bill was going to be discussed, and as I recall, you were Chair of the Committee then, and I was actually in Las Vegas waiting for it to occur, but when you came in, your comment was "I thought this was vetted" and apparently all the stakeholders had not actually discussed it. You allowed the Chairman of the Nevada Taxicab Authority to speak and one other person to speak, and then the bill was not considered anymore.

**Assemblyman Atkinson:**

I was trying to stay out of this discussion, but you are way off base. I am not sure if you are looking at the front of the table where it says that you must be honest with your comments, but I have three pages here where I had more than one person speak. I take offense to that. If you are going to make comments about me, you should have them correct. There was more than one person who spoke on this bill. I am not going to get into details, but there was more than one thing that I discussed as well. I just wanted to make sure this got on the record; there was more than one person that spoke on this bill last session.

**Randell S. Hynes:**

I do recall you asking T. Ruthie Jones to speak on the bill also.

**Chair Dondero Loop:**

We are not going to have a debate over this. Thank you. Are there any additional questions from the Committee? [There were none.] Is anyone else neutral? [There was no one.]

[A position statement and testimony was submitted by Marc C. Gordon ([Exhibit G](#)) after the hearing, and Chair Dondero Looped asked it be included as an exhibit for the meeting.]

I will close the hearing on A.B. 510 and open the hearing on Assembly Bill 513.

**Assembly Bill 513:** Revises provisions pertaining to the use of safety belts in taxicabs. (BDR 43-1111)

**Mark E. Trafton, Vice President and General Counsel, Whittlesea Bell:**

I represent three taxicab companies: Whittlesea Checker Taxi, Whittlesea Blue Cab Company, and Henderson Taxi. I was hired in 1999 to start representing them as their lawyer, and one of the first tasks that I was asked to handle was



the claims that were made against the taxicab companies concerning personal injuries. I have been doing that for 12 years. That includes claims that wound up becoming lawsuits, and some of those actually went to trial.

Assembly Bill 513, in a nutshell, has to do with safety. I think everybody would agree, even those in opposition to this bill, that wearing a seat belt in a car prevents injuries. Certainly it may prevent an injury from being as bad as it could have been if one was not wearing his seat belt. The point of this bill is to make sure passengers and taxicabs understand their legal obligation to wear a seat belt and protect themselves from harm should an accident happen.

I will discuss an overview of the law and how the bill is proposing changes to the law. This law as it currently stands requires passengers in taxicabs to wear their seat belts. An additional burden is placed on taxicab companies. Speaking for the companies I represent, they do not mind the burden. Section 1, subsection 4 is the notification provision of the statute. The drivers have to notify the passengers in the taxicab that it is the law here in Nevada that you must wear a seat belt. That notice is given by actually placing placards throughout the taxicab. There are at least three placards in every taxicab notifying the passengers of the legal obligation to wear a seat belt. In addition, the drivers for our companies verbally inform the passengers when they are getting in to buckle up because it is the law in Nevada, and we are concerned about their safety.

An interesting twist in the law, it is not in this particular law but in an administrative regulation, is the taxicab drivers cannot refuse to transport a passenger when a passenger refuses to wear his seat belt. They are legally required to transport the passenger even though the passenger does not want to wear his seat belt. *Nevada Administrative Code* (NAC) 706.365 describes very limited circumstances where a driver can refuse to transport a passenger such as when a driver believes that his safety may be at risk. Those are two burdens taxicab companies have that a normal person driving a private car that is not a commercial vehicle, does not. They must notify the passengers and also transport them.

I want to give you an example of how this plays out in the courtroom in the cases that I have had. You have a passenger in the back seat of a taxicab that has refused to wear his seat belt. Unfortunately accidents happen, and we all know that. A car accident ensues where the passenger in the back seat is thrown out of his chair and hits his head on the seat in front of him and incurs an injury to his head. Everybody knows, doctors and witnesses, that if this person would have been wearing his seat belt, he would not have sustained an injury to his head. In the courtroom when this injury claim makes it to trial, the

attorneys are instructed before the trial even begins to not bring up the fact that the passenger refused to wear his seat belt. It is against the law; attorneys cannot talk about it, and they cannot present any evidence that the passenger would not have injured his head if he had been wearing a seat belt. I have had judges tell me if I even come close to talking about it, it is going to be a mistrial. It is because of the way this law is written currently.

The proposal that we support is simply to let the jury and the judge hear all the facts. One person's choice to not wear his seat belt is not only a violation of the law, it is a fact that should be considered in a subsequent personal injury lawsuit. It seems to me that it is only fair. If the jury is going to consider the taxicab driver's potential negligence, the other drivers' potential negligence, and all the circumstances involved, the jury should be able to listen to evidence about whether or not a passenger was wearing a seat belt and then whether or not that made any difference with the injury.

There are some cases where it may not make a difference whether a passenger is wearing a seat belt or not; for example, a minor rear-end accident where a person sustains a whiplash-type soft tissue injury. I submit to you that there are plenty of cases that do matter. I have litigated probably hundreds of cases involving this very issue. To say the least, it is extremely frustrating to not be able to have evidence put onto a case that a particular type of injury could have been clearly avoided. I have heard a bit about the opposition to this bill, and the main argument I am hearing is that it is going to be more expensive for the litigants in a trial because they are going to have to have expert witnesses come in and say this is what would happen if they were wearing their seat belt, and this is what would happen if they were not. I submit to you, the experts are already in the courtroom. Those experts, the doctors, have to testify currently about personal injuries. The personal injury happened as a result of this car accident. It is not going to cost any more money to ask them one additional question. Would this injury have occurred had this person been wearing his seat belt? There is no additional cost, and there is no additional burden on anybody else by being able to ask that question.

In conclusion, it is my and some colleagues throughout the industry's opinion that we should let the fact finder determine from all the facts. We should not keep out a portion of the facts. Let us give all the facts, and one of those is whether the passenger was wearing a seat belt or not.

**Chair Dondero Loop:**

Thank you. Are there questions from the Committee?

**Assemblyman Sherwood:**

Could you give us a sense of the scope of the problem we are trying to remedy? How many trials go to court, and how many times are you basically gagged? Does this happen once in a while?

**Mark E. Trafton:**

I would say in the 12 years I have been doing this, this issue comes up probably in half the cases I litigate that do not make it to some sort of adversary proceeding, whether that is an arbitration short trial program or all the way to a trial or binding arbitration. In half the cases, this issue is something I would like to be able to argue. I know I cannot argue it because it is the law, and this is the way the judges rule. We end up taking it into consideration, and so we end up having to settle the case because we know we cannot use this as a defense. Probably less than 10 percent of the cases that I handle or oversee in litigation actually make it to an adversary proceeding. Of those ten percent that make it to the adversary proceeding, probably half of those are issues that I deal with. I dealt with it two weeks ago at a jury trial. Jurors ask questions, as you probably know. They ask questions about testimony about the seat belt. They want to know the information, but we are precluded from getting that information to them.

**Assemblywoman Benitez-Thompson:**

What precludes you from talking about whether or not the seat belt was being worn?

**Mark E. Trafton:**

The way the law is written now, subsection 3(b) refers to one's decision not to wear a seat belt, "May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653." Of the two parts that are lined out, subsection 3(b) is the broadest. Subsection 3(c) gets into product liability cases of which, I will tell you in my 12 years I have never had an occasion that subsection 3(c) has come into play. Subsection 3(b) comes into play all the time defending the taxicab companies in a personal injury case. You are not allowed to say that somebody's choice not to wear his seat belt was negligence on his part, nor are you allowed to say or illicit testimony that had he been wearing his seat belt he would not have hit his head on the back of the chair in front of him.

**Assemblywoman Benitez-Thompson:**

You could not make a statement saying not wearing his seat belt was negligent, but could it just be a statement of fact saying the seat belt was or was not worn without any other type of qualifier on it? Is it absolutely prohibited from somewhere in the discussion to even have that statement of fact?

**Mark E. Trafton:**

That is a great question; I have posed that question to judges many times. What happens is opposing counsel jumps up and says wait a minute, you are going to put this fact before the jury, and they are automatically going to make assumptions that had the client been wearing the seat belt, an injury likely would not have occurred. So what happens in the practical sense is the judges say, no, I am going to caution you to stay away from this. The judges recognize in these trials this is what happens. Lawyers will do what we can do in a trial to get the advantage, and the judges know this, so they will, in my experience, tell me I cannot mention seat belts, period. And that is because of this statute.

**Assemblywoman Neal:**

What was the original intent in putting all of subsection 3 in the bill? The first thing I thought about was the cost of each passenger having the capacity to file a negligence claim. Based on the number of rides, it could be 20,000 a month. I am just wondering if you know; I am curious about that.

**Mark E. Trafton:**

I am speaking a little bit from memory. I believe when this bill was introduced in 2003—I could be off on my dates, but I think it was about that time—it was tendered without these sections in it, and I am not that familiar with the rule-making process, but I will represent to you it was tendered without this subsection in there, and it came out with it there. It was not the desire of the original parties who drafted the bill to have it in there.

**Assemblywoman Neal:**

It was amended on the floor, so would I have to look at the floor statement to try and figure out what the possible slip-up was?

**Mark E. Trafton:**

Honestly, I do not know the answer to that.

**Assemblyman Frierson:**

Is what we are talking about right now specific to taxicabs and not to other vehicles as far as the inability to use that information for a lawsuit?

**Mark E. Trafton:**

Yes, this is specific to taxicabs, and at the beginning of my comments I outlined the two burdens that the taxicab companies have: one, to notify; and two, to still transport the passenger when he refuses to wear his seat belt. They are two unique issues that the general driving public does not face.

**Assemblyman Frierson:**

This actually did not really strike me until hearing the last bill. I realize it was not you, and I am not going to ask you to answer for somebody else's comments, but during the last hearing on Assembly Bill 510, several who were testifying in opposition and in a letter previously submitted mentioned that the Nevada Taxicab Authority and the whole system we have is designed to look out for the traveling public. The letter criticized the bill for trying to insert the driver's own personal and pecuniary interests on par with the traveling public. It seems to me, in A.B. 510, we do not want to put the driver's pecuniary interests on par with the traveling public, but here it seems that is exactly what we are trying to do. I say that in the context of recognizing that Nevada is unique; we have a traveling industry, and we are very dependent on it. You see television shows about our taxicabs, and there is a culture particularly around the casinos. I am concerned about supporting the driver's pecuniary interests in one bill and opposing them in another, and in the same day, we are saying we should be putting driver's pecuniary interests on the same level as the traveling public.

**Mark E. Trafton:**

I see the relevance of the analogy you are drawing. I was here for the discussion on A.B. 510, and I understand your concern. I was not a participant in the prior discussion, but I come at this from a slightly different perspective. I am the one that tries these cases on behalf of my taxicab clients, and it is not that I am trying to get equal say or what was discussed in the prior bill. It is that I want the fact finder, the jury in most cases that I do, to have all the facts; I trust the jury. This is a party to a lawsuit that may have violated Nevada law, and I believe the jury should be entitled to know. The law being the seat belt law. I know it is highly relevant in all the cases where all the injuries could have been prevented. Most people that have tried cases will tell you that lawyers trust the jury system and believe in it. It does not always go the lawyers' way. We want the jury to have all the evidence and facts that are relevant on the injuries at hand.

**Assemblyman Frierson:**

I apologize. It has been probably over a decade since I dabbled in civil practice, but it seems to me that whether or not a passenger was wearing a seat belt, the lawyer may speak to the level of injury, but not necessarily to whether or not there was neglect or recklessness on the part of the driver. I do not know if there is a way to separate that out. It just seems to me if a driver is negligent and then they throw in the determination of negligence because he was not wearing a seat belt, it does not speak to the driver's conduct, and this would allow the jury to consider something that does not necessarily speak to the driver's conduct.

**Mark E. Trafton:**

That is an excellent point; I was remiss in not discussing that in my comments. In no way is my client or anybody that I have spoken to in the taxicab industry looking to shirk his responsibility here. We are perfectly willing to stand up in front of a jury and say look you need to consider whether or not my driver was negligent. That is clearly still fair game. That is what the lawsuits are all about that are brought by the passenger against the driver. It is just when you are considering that I am asking the ladies and gentlemen of the jury to also consider the conduct of the passenger, that conduct is against Nevada law. That is the way I wish it was delivered; I have never been able to deliver it that way. In no way are we trying to say take your focus completely away from the driver. If the driver rear ends the car in front of him, it is a hard case to defend on negligence grounds. I think you make an excellent point, and I understand the statute does not address the behavior of the driver other than saying that the driver or the company must notify the passenger about the seat belt law. I assure you, there are plenty of other laws, statutory and case laws, that talk about the responsibility of the driver of the vehicle. That is always going to be presented in front of a jury, whether the driver was negligent or not.

**Assemblywoman Neal:**

I heard what you were saying, and it seems like when you are prevented from bringing in certain facts, it impedes your capacity to do your defense under tort law because if you ever want to prove contributory negligence, you no longer can address the conduct of one of the parties, which poses a problem. In the language when it says "or as causation in any civil action," delete that portion. Then at least if it is not negligence, it opens the doorway for gross negligence because it is not the causation issue. Any causation is now eliminated, and now you have the capacity to open a door to bring in something else. The second part of the sentence is prohibitive because it says, "as causation in any civil action." The basic root of any tort are the causation questions, which need to be answered.

**Mark E. Trafton:**

This may not be the perfect solution to solve the issue I am getting at. That is, letting the jury hear all the evidence. I believe this is the best solution at this time, but your comments are well taken.

**Assemblyman Hogan:**

I am trying to fill in some dark corners of ignorance in my mind. In your experience as a trial attorney, do you encounter very many areas in which any state law does what we appear to do here, that is to just exempt or forbid use of a whole category of potential evidence in a trial? I have not encountered this

before, and I spent five wonderful years working my way through a great law school in the East.

**Mark E. Trafton:**

There are other states to one extent or another that have similar-type exclusions. In my research on this issue, I can tell you I did not find many states that were as extreme as Nevada. When I say extreme, I mean that in my practical experience, you are not allowed to mention the fact that a passenger did not wear his or her seat belt. Judges are too afraid that you are going to get too close to violating the statute. Some states say you can talk about it with respect to passengers' injuries or damages, but you cannot talk about it with respect to causation. I have tried to wrap my mind around that distinction, and I do not know how you can talk about one without the other. This goes back to Assemblywoman Neal's comments about causation. To me, in a personal injury lawsuit, they are very closely linked to one another, whether or not an accident caused injuries and the causation is the glue that holds the two things together.

The answer is yes, other states have varying degrees of this type of law, but in many states you are perfectly allowed to offer into evidence the fact that somebody did not wear his seat belt. I have a brother that practices the same kind of law in California, and they introduce this fact all the time in their trials. He likes to tease me that I cannot use that fact. There are other areas that you are not allowed to go into during a trial. We have statutes covering somebody's prior record or crimes being admissible at trial. There are other areas that are off limits to bring in as evidence in trial, but I have never seen one that wipes out your entire claim like this statute does. This wipes out the entire claim of comparative negligence on behalf of a passenger. I have never seen anything that compares to this.

**Chair Dondero Loop:**

Thank you. Are there additional questions from the Committee? [There were none.] Is anyone else in support of A.B. 513? [There was no one.] Is anyone opposed?

**Bill Bradley, representing Nevada Justice Association:**

We respectfully oppose A.B. 513. I want to start off by saying that our association encourages people to wear seat belts; they are obviously a good idea. There are a lot of factors that come into play when an accident occurs, and a determination has to be made whether or not the passenger was wearing his or her seat belt. There is a wealth of evidence now that multiple seat belts unfortunately fail in certain types of accidents. We all know people who have been in an accident. When the police arrive, the seat belt is unbuckled, and

they say I have been a habitual seat belt wearer and I had my seat belt on at the time the accident happened. For a long time, people did not understand that testimony, but in the last ten years there has been a body of evidence produced that shows that certain collisions, certain types of rollovers, and other types of impacts actually cause certain belt buckles to fail.

It is not the simple issue that Mark Trafton indicated: that it is just a matter of what injuries were caused or what injuries were not caused. I have to take great exception with Mark Trafton's testimony; it is not an area of testimony for physicians. There is actually a subspecialty of expert testimony called biomechanical engineering. Those are people that actually analyze force vectors, motion, and human body movement when different forces are applied to them. Most honest physicians when you ask them about an injury-causing event will tell you that is really outside of their area of expertise and will defer to a biomechanical engineer. This goes back to Assemblywoman Neal's question about the 2003 Legislature; the issue of causation is a huge issue in terms of reliable or unreliable testimony. By allowing seat belt testimony into evidence, each side is going to have to go out and hire a biomechanical engineer and probably an engineer to determine if the forces involved in this collision were the kind of forces that could cause a seat belt to release. What you are talking about is an incredible increase in the cost of litigation to prove an issue that is scientifically not exact. What you are going to have is the insurer on one side hiring a biomechanical engineer to come in and say the injuries would not have happened, and the plaintiff would have to hire an expert that will say he disagrees—these injuries would have occurred because of the forces of the collision—and that dramatically increases the cost of litigation. Without scientific reliability on either of those, a jury is being asked to pick between the \$10,000 expert and the \$30,000 expert.

In the grand picture of things, what I am concerned about is the innocent passenger. This goes back to Assemblyman Frierson's testimony. When this evidence comes in, you are actually comparing the conduct of the innocent passenger sitting in the back seat to the negligent conduct of the taxi driver. You have now put them on an even playing field despite the fact that the cab driver was the one in control of the cab and his negligence caused the accident in the first place. This bill unfortunately brings them up to an unlevel playing field in favor of the driver. It now says the cab driver was negligent, but let us ignore that. Let us just pay attention to the causation issues, and they have their expert and we have our expert and now a jury is left with trying to decide between two experts. For 25 years, this Legislature has heard this argument occasionally and concluded that this increased litigation cost and the uncertainty of the science associated with injury-producing mechanisms justifies not allowing this evidence into a courtroom.



I want to address Assemblyman Hogan's questions about evidence being precluded at trial. The prime example I can think of is an issue called subsequent remedial measures. For example, if one of you is at your home at night and you come down a stairwell and a stair breaks, you go through the stairs and are badly injured, and you have to pursue a claim. You would want to find out if other people had a problem with that stair, and you might find out that they did. Under this case, the landlord elected not to fix the stair. After the fourth or fifth person got hurt, the landlord did fix the stair. That is called a subsequent remedial measure, and under the laws of most states that is not admissible, if someone fixes the problem after the fact.

Another interesting area that is not admissible in the courtroom is the fact that the driver is cited in an accident. Most people who come into our office believe when a policeman cites somebody, it means the policeman said he was at fault and why would the jury not be entitled to know what the policeman said. There is a whole explanation why citations are not admissible, but there are several areas of the law, where because of decisions of uncertainty of science and unreliable testimony, those issues are not allowed to be put in front of a jury. We believe this is one issue that, because of the complex nature, because of the tremendous increase in the cost of litigation associated with having to hire additional experts, justifies the law remaining as it currently is.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee?

**Assemblyman Sherwood:**

Is your testimony stating that seat belts do not work?

**Bill Bradley:**

No, sir.

**Assemblyman Sherwood:**

I just searched online how seat belts work, and it says with no seat belt to stop the driver of the car, the driver flies free until stopped suddenly by the impact on the steering column, windshield, et cetera. I do not need a \$30,000 expert to know that if I have my seat belt on, my head will not go through the windshield.

**Bill Bradley:**

Where did the collision come from? Did it come from the back, the side, or the front? In different impacts, even when you are belted, you are going to make contact.

**Assemblyman Sherwood:**

This is why trial lawyers have a bad name.

**Bill Bradley:**

I would have to take exception to that. I recognize the viability of seat belts. I have litigated defective seat belt cases, and we all respect peoples' rights to get into a cab. One thing that I think this Committee could do with this bill, and we would be fully in support of it, is give the cab driver the authority to say if you are not willing to wear your seat belt, then I do not have to take you. That is an NAC section that, to be perfectly honest with you, is mind boggling to me. I look at the cab driver as the captain of the ship, and I think the driver should have the right to refuse service. You have to realize it is a tourism industry; people are intoxicated or doing things they should not be doing in a cab. Give the driver some authority. When you turn this into a battle of experts, all you are doing is driving up the cost, and the point of the causation issue is no clearer.

**Assemblyman Sherwood:**

I like your second argument a lot better than the first one.

**Chair Dondero Loop:**

Thank you. Are there additional questions from the Committee? [There were none.] Is anyone else opposed? [There was no one.] Is anyone neutral? [There was no one.] I will close the hearing on A.B. 513. That concludes our hearing. We are going to take a short break before we start the work session. We are recessed [at 6:08 p.m.].

**Chair Dondero Loop:**

We are reconvened [at 6:38 p.m.]. The Committee will recall that we voted on April 7, 2011 to amend and do pass Assembly Bill 27, which was amended in total. We amended the language proposed by Mrs. Lockard that concerned the process for valuing a "total loss vehicle." Due to some germaneness issues raised by Legal, we are going to allow A.B. 27 to die without reporting it down to the Assembly Floor. Legal has advised us that there are not the same germaneness issues with the other bill we passed that same day, which was Assembly Bill 204.

**Assembly Bill 204:** Revises provisions regarding salvage vehicles. (BDR 43-265)

**Chair Dondero Loop:**

I will entertain a motion to amend the amendment previously adopted to Assembly Bill 204 on April 7, 2011, amending in the same language as previously amended into Assembly Bill 27.

ASSEMBLYMAN KIRNER MOVED TO AMEND THE AMENDMENT PREVIOUSLY ADOPTED TO ASSEMBLY BILL 204 TO INCLUDE THE AMENDED LANGUAGE AS PREVIOUSLY AMENDED INTO ASSEMBLY BILL 27.

ASSEMBLYMAN HAMBRICK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We are going to hear our work session slightly out of order with respect to the Minority Leader, Assemblyman Goicoechea. We will now start our work session. Let me remind everyone that it is not customary for the Committee to take testimony or otherwise rehear the bills during the work session, 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 document, and we will start with Assembly Bill 247.

**Assembly Bill 247:** Revises the circumstances under which a person is exempt from obtaining a license to drive a road machine, farm tractor or implement of husbandry on a highway. (BDR 43-300)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 247 was heard on April 5, 2011. The bill sponsor provided an amendment and testified that the amendment moved the legislation from Chapter 483 of *Nevada Revised Statutes* (NRS) to Chapter 482, where it would address registration, not driver's licenses, as the sponsor intended. Therefore, the attached amendment completely replaces the language of the bill. [Continued to read from ([Exhibit H](#)).]

**Chair Dondero Loop:**

I would like to entertain a motion.

ASSEMBLYMAN HAMBRICK MOVED TO AMEND AND DO PASS ASSEMBLY BILL 247.

ASSEMBLYMAN HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Assemblyman Frierson:**

Do we have any indication of what the position of the Department of Motor Vehicles (DMV) is since there have been some changes since the hearing? Is the DMV still supportive as it was during the hearing?

**Mark Froese, Administrator, Management Services and Programs Division,  
Department of Motor Vehicles:**

Yes, the DMV is still supportive of this amendment.

**Chair Dondero Loop:**

Thank you. Is there any further discussion? [There was none.] I will assign the floor statement to Mr. Goicoechea, thank you. Now we will vote on Assembly Bill 188.

[Assembly Bill 188](#): Revises provisions governing motor vehicles. (BDR 43-899)

**Jennifer Ruedy, Committee Policy Analyst:**

[Read from ([Exhibit I](#)).] Assembly Bill 188 was heard by the Assembly Committee on Transportation on March 15, 2011. The bill prohibits the operation of any combination consisting of a truck-tractor drawing three or more trailers or a truck-tractor drawing a semitrailer and two or more trailers on the highways of this state. Any violation of this prohibition is punishable as a misdemeanor. There were not any amendments proposed for this bill.

**Chair Dondero Loop:**

I would like to entertain a motion.

ASSEMBLYMAN HAMBRICK MOVED TO DO PASS  
ASSEMBLY BILL 188.

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

[This motion was rescinded later in the meeting, and a new motion was passed.]

**Assemblyman Frierson:**

I recall the testimony and the significant amount of information we received on this particular bill was extremely confusing on both sides, and at the end of the day, I was not able to adequately evaluate safety, accidents, or even the economic impacts. I am certainly sensitive to the economic impacts. The one question that was never addressed to me was an accident that was caused by a triple trailer that does not involve a triple trailer. For example, if I swerve to avoid a triple trailer and hit another car, there are no statistics that would

associate that accident with a triple trailer, not necessarily because of danger or the economic impacts, but because quite frankly it was not very clear. Because of that and people I have spoken with in my district having discomfort simply with driving around triple trailers, I am supporting A.B. 188—not necessarily with a great deal of enthusiasm, but recognizing that people are quite concerned and nervous driving around them.

**Assemblyman Kirner:**

I want to get a clarification on the motion.

**Chair Dondero Loop:**

The motion is do pass.

**Assemblyman Kirner:**

Can we amend the motion?

**Chair Dondero Loop:**

There were not any amendments proposed to this bill.

**Assemblyman Kirner:**

No, amend the motion. What I am thinking is the person who made the motion made a mistake.

**Chair Dondero Loop:**

Let us hear what Legal thinks, Darcy?

**Darcy Johnson, Committee Counsel:**

I am not sure I understand the question. He wants to amend the motion?

**Assemblyman Atkinson:**

The motion was made, and I seconded it. Assemblyman Kirner wants to amend Assemblyman Hambrick's motion, but I believe we have to act on the motion first.

**Chair Dondero Loop:**

Assemblyman Atkinson is correct.

**Darcy Johnson:**

I believe it is correct.

**Assemblyman Kirner:**

I want to add discussion to the motion. We talked about several issues: safety and economics. From my perspective, the Nevada Highway Patrol testified that

there were 8 accidents out of 400 that were related to triple trailers. When we look at economics, the testimony was that companies could substitute two trailers with three trailers, and the reality is there are a lot of small trucking companies for which such a transition could not be accomplished. They would have to buy new trailers; it would not be a simple matter of swapping out trailers. I cannot support this bill.

**Assemblyman Hambrick:**

It is not often that an Irishman makes an error. If you were not looking at me over the past few moments, I was eating a lot of shoe leather. I am going to be voting against this bill, Madam Chair. We had reason to believe that something else was about to happen, and I wanted to make sure there was a vote on this issue. I wanted a vote recorded, but I will be voting against it.

**Assemblyman Brooks:**

I thought he made the motion. I am confused.

**Chair Dondero Loop:**

He did. We have a motion on the floor with a second. Assemblyman Hambrick, would you like to withdraw your motion?

**Assemblyman Hambrick:**

If I can, yes. Is it legal?

**Chair Dondero Loop:**

Yes, it is.

**Assemblyman Hambrick:**

I will withdraw my motion.

**Chair Dondero Loop:**

I would like to entertain a new motion.

ASSEMBLYMAN ATKINSON MOVED TO DO PASS  
ASSEMBLY BILL 188.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK, HAMMOND,  
KIRNER, SHERWOOD, AND WOODBURY VOTED NO.)

I will assign the floor statement to Mr. Frierson. We will now move on to Assembly Bill 212.

**Assembly Bill 212:** Revises provisions relating to design-build contracts entered into by the Department of Transportation. (BDR 35-851)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 212 was heard on March 15, 2011. The bill as introduced decreases the threshold from \$20 million to \$1 million at which the Nevada Department of Transportation (NDOT) is authorized to enter into a design-build contract for a project. The measure further removes the limitation of the number of smaller projects for which NDOT is authorized to enter into design-build contracts in a fiscal year. [Continued to read from [Exhibit J.](#)]

**Assemblyman Brooks:**

I have a question and I do not know if it is a mistake, but Carole Vilardo said that it should have gone back to \$1 million instead of \$5 million. I do not know if my colleague wanted to change that language, or if she wanted to keep the \$5 million on line 24 in the amendment.

**Assemblywoman Woodbury:**

We made a compromise. The compromise was \$10 million rather than all the way down to \$1 million. Current statute is \$20 million. Any project above \$20 million can be completed unlimited through the design-build method. My bill brought it down to anything above \$1 million, which would open it up to a lot of design-build projects. Because of some concerns, we met halfway and compromised on \$10 million.

**Assemblyman Brooks:**

What is line 24 then, where it says the cost of at least \$5 million but less than \$20 million?

**Assemblywoman Woodbury:**

That is the Nevada Chapter of the Associated General Contractors (AGC) proposed amendment during the hearing, and subsequent to the hearing we came up with the compromise amendment. What line?

**Assemblyman Brooks:**

Line 24, it is still in your bill.

**Assemblywoman Woodbury:**

Right now for smaller projects under \$20 million, between \$5 million and \$20 million, there is one project allowed per year under statute. The Nevada Chapter of the Associated General Contractors' amendment moved the number of projects to two per year. The compromise amendment lowered the threshold to \$10 million. So with my amendment, there can be completed an unlimited

amount of projects above \$10 million; between \$5 million and \$10 million there can be two a year instead of the current one project a year.

**Assemblyman Brooks:**

This says at least \$5 million, but less than \$20 million. Are you aware of that?

**Assemblywoman Woodbury:**

That is the AGC amendment. My amendment is not drawn out like the AGC amendment; it is just explained. Between \$5 million and \$10 million would be two projects a year.

**Assemblyman Atkinson:**

I think Mr. Brooks understood it, but I did not. At this point we should not pay attention to the AGC amendment and just focus on Ms. Woodbury's amendment; is that right?

**Assemblywoman Woodbury:**

The Nevada Chapter of the Associated General Contractors was involved with the compromise, and I do not want to confuse the issue.

**Assemblyman Atkinson:**

It is already there. The first set of amendments are yours, and you would like us to focus on that?

**Assemblywoman Woodbury:**

I would prefer that, yes.

**Assemblyman Atkinson:**

I am a little bit confused about this, so I am going to vote no today with the right to change my vote on the floor later.

**Assemblyman Kirner:**

If I understand this, we have two sets of amendments that contradict each other. You worked out a compromise, and that is the compromise; is that correct?

**Assemblywoman Woodbury:**

That is correct. With the original bill there was some concern by some of the contractors and engineers that bringing the threshold down too low would freeze out some of the smaller contractors from the smaller threshold jobs. Would it be okay if I asked Russell Rowe to come up because he was in on the compromise?



**Chair Dondero Loop:**  
Absolutely.

**Russell Rowe, representing American Council of Engineering Companies of Nevada:**

I think Assemblywoman Woodbury explained it well. There is a compromise that has been proposed among contractors and engineers with respect to the original bill, which is reflected under the amendment section that is written out, not in a mock draft form, that has been agreed to by all parties.

**Chair Dondero Loop:**  
Including AGC?

**Russell Rowe:**  
Yes, including AGC.

**Assemblywoman Diaz:**

I want to make sure I am looking at the right amendment. On the page where we have the summary, there are two different amendments. It says No. 1 and that is the first amendment, and then No. 2 and that is the second amendment. Am I correct? Are we addressing the amendment that says No. 2?

**Jennifer Ruedy:**

It does look confusing. The first amendment has two parts. One amendment does two different things. The first No. 1 and No. 2 under amendments are the compromise that Ms. Woodbury had worked on for A.B. 212. If you skip down where it says, "At the committee hearing, the Nevada Chapter of The Associated General Contractors of America," that is the second amendment and it also has two parts. There are two numbers with the first amendment and two numbers with the second amendment. I think some of the confusion is because there is no mock-up for the amendment proposed by Ms. Woodbury. It is just a conceptual amendment. The A.B. 212 proposed amendment with the mock-up was provided by the AGC at the hearing. The conceptual amendment by Ms. Woodbury is the first part under amendments, and it includes both Nos. 1 and 2.

**Assemblywoman Diaz:**  
Now I understand, thank you.

**Assemblyman Hogan:**

I am still trying to nail this down. I see under the first paragraph heading called amendments, there is a one and a two. The one speaks in the singular, "is authorized to enter a design-build contract for a project from \$1 million to

\$10 million,” and the next paragraph, No. 2, says that they are “authorized to enter into design-build contracts in a fiscal year but expand it from ‘once’ each fiscal year to ‘twice’.” I am just wondering if the first numbered paragraph that is in the singular is in conflict with the second numbered paragraph, which permits it to be done twice each fiscal year.

**Darcy Johnson, Committee Counsel:**

It is not in conflict because the original language of the bill refers to a project in the generic sense because we always draft in the singular. It is not intending to limit how many they can do; that would be expressly enumerated in the bill, and the part that enumerates how many projects they can do is being changed by this amendment.

**Chair Dondero Loop:**

Is there any further discussion? When you make your motion Mr. Hammond, will you please be specific as to what your motion is, so we all understand. I would like to entertain a motion.

ASSEMBLYMAN HAMMOND MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 212 WITH ASSEMBLYWOMAN WOODBURY’S  
CONCEPTUAL AMENDMENT.

ASSEMBLYMAN KIRNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Ms. Woodbury. We will move on to Assembly Bill 328.

[Assembly Bill 328](#): Enacts provisions relating to vulnerable highway users.  
(BDR 43-844)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 328 was heard on April 5, 2011. There is a substantial amendment proposed by the sponsor of the bill, and maybe the sponsor or Legal can address it ([Exhibit K](#)).

**Assemblywoman Benitez-Thompson:**

This bill is as you heard it. The original bill came out with language we did not feel was applicable, so we removed it. On page 8, section 12.5 talks about how a person who violates the provisions will get the penalties that are outlined in the reckless driving statute. In plain language, if a driver of a motor vehicle intentionally interferes with someone while he is on a bike, the reckless driving

statutes will apply, or if the driver comes in conflict or collides with a bike, the reckless driving fine statute will apply. Is that correct?

**Darcy Johnson, Committee Counsel:**

That is correct. We are looking at the mock-up version in ([Exhibit K](#)). It is on page 8. Whenever you see a section with decimals, like section 12.5, it means it is a new section that has been added by an amendment.

**Assemblywoman Benitez-Thompson:**

As I walk through the amendment, you will pick up the theme. When there is a statute that applies to a pedestrian or a cyclist, we have gone back into those statutes and applied the reckless driving fine language to them. On page 8, section 12.5 deals with motor vehicles and bicycles. Section 19 deals with school guard crossings. The reckless driving fine applies to people who violate the rules of school guard crossings, or if they violate the speed limit in school zones. Sections 22, 23, and 24 were all removed. Section 25 is when a person is operating a car at high speeds and should he strike someone, the penalty applies. Sections 28, 29, and 30 were all removed. Section 31 is the actual reckless driving statute that we have been referring to, and on line 31 there is a subsection 1(d) that references all the other statutes we have been reviewing, to talk about the fact if you strike a pedestrian or a vehicle in those situations, the tiered fine system for reckless driving applies. Sections 32, 33, and the rest are removed.

**Chair Dondero Loop:**

Does anyone need clarification?

**Assemblyman Hambrick:**

I had a conversation with the author, and she has indicated that the fiscal note has been removed because of the amendment.

**Assemblywoman Benitez-Thompson:**

There was a fiscal note as introduced, but there is not a fiscal note with the amendment.

**Chair Dondero Loop:**

I would like to entertain a motion.

ASSEMBLYMAN FRIERSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 328.

ASSEMBLYMAN BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Mrs. Benitez-Thompson.

**Assemblyman Sherwood:**

The language here says "may," so there is discretion for the officer, right?

**Assemblywoman Benitez-Thompson:**

This does not change the way an officer comes to a conclusion about who is at fault or the process for figuring that out. This is when the driver is determined to be at fault.

**Assemblyman Sherwood:**

Because it says "may," the judge can exercise it or not? It says "may," so there are no issues.

**Assemblywoman Benitez-Thompson:**

Yes, with the reckless driving statute there are three tiers of fines, and each tier becomes a little bit stiffer in fine and potential sentence time. For the first offense, if you were to strike a pedestrian or a bicyclist and it was your fault, the judge at his discretion will decide between part A and part B of what he wants the fine to be; judges have room to make their decision.

**Assemblyman Sherwood:**

The amendment looks a lot better.

**Chair Dondero Loop:**

Are there any questions?

**Assemblyman Kirner:**

I thought there was a fiscal note on Assembly Bill 188, which seems to me, rather than going to the Assembly Floor, it would be referred to the Assembly Committee on Ways and Means.

**Chair Dondero Loop:**

Yes, if it has a fiscal note, it will be referred to the Assembly Committee on Ways and Means. Is there any public comment? [There was none.] We are adjourned [at 7:15 p.m.].

RESPECTFULLY SUBMITTED:

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Janel Davis  
Recording Secretary

RESPECTFULLY SUBMITTED:

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Jordan Neubauer  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Marilyn Dondero Loop, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Transportation

**Date:** April 12, 2011

**Time of Meeting:** 3:24 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 277	C	Assemblyman Anderson	Proposed Amendment
A.B. 277	D	Luana J. Ritch	Written Testimony
A.B. 510	E	T. Ruthie Jones	Written Testimony
A.B. 510	F	D. Neal Tomlinson	Position Letter
A.B. 510	G	Marc C. Gordon	Position Statement and Testimony
A.B. 247	H	Jennifer Ruedy	Work Session Document
A.B. 188	I	Jennifer Ruedy	Work Session Document
A.B. 212	J	Jennifer Ruedy	Work Session Document
A.B. 328	K	Jennifer Ruedy	Work Session Document