

Assembly

MINUTES OF TRANSPORTATION COMMITTEE HEARING - 56TH NEVADA
ASSEMBLY SESSION - FEBRUARY 11, 1971

39

Present: Lowman, Kean, Howard, Ashworth, Prince and
Valentine

Excused: F. Young

Chairman Lowman convened the hearing of the Transportation Committee with representatives of various companies and organizations present to testify on bills A.B. 23, A.B. 211, S.B. 63 and S.B. 64 at 10:20 a.m. in Room 240.

On S.B. 63 - makes administrative changes relating to tax returns under special fuel tax law.

Winston Richards, Motor Carrier Division, Department of Motor Vehicles, said they would like to eliminate the word "operate" in Section 1, paragraph 1, and also eliminate the words "any state" in Section 1, paragraph 3. Under 366.225 in Section 2, they were being penalized. They would like to eliminate the \$10 penalty. Under 366.225 they would like to deduct a flat \$1 on every temporary \$10 license to be deducted from the actual refund. He stated that they would like to adopt an amendment to this bill by adding a new section to read as follows:

OVERPAYMENTS AND REFUNDS

366.650 Refund of illegal, erroneous collections: Procedure.

1. If illegally or through error the department collects or receives any excise tax, penalty or interest imposed under this chapter, the excise tax, penalty or interest shall be refunded to the person paying the same. Written application for refund stating the specific grounds therefor, shall be made within 2 years after the date of payment, whether or not the excise tax, penalty or interest was paid voluntarily or under protest.
2. Refunds shall (not) be made to (successors or assigns in business of the person making the payment. Refunds shall be made to an) a successor, assign, estate or heir of such person if written application is made within the time limit. (and accompanied by proper authority from a probate court.)
3. Any amount determined to be refundable by the department shall (first) be (credited on) refunded or credited to any amounts then due and payable from the special fuel dealer or special fuel user to whom the refund is due. (, and the department shall then certify to the state board of examiners the balance thereof.)
4. All amounts refunded under the provisions of this chapter shall be paid from the state highway fund on claims presented by the department, approved by the state board of examiners, and allowed and paid as other claims against the state are allowed and paid.
5. Licensed special fuel users operating interstate who can prove to the satisfaction of the department that their special fuel purchases in Nevada exceed their use over the highways of this state for a certain month may apply for a special fuel tax

refund or apply credit in lieu of refund to succeeding reports.
6. Temporary special fuel licenses are (not) eligible for special fuel tax refunds(.) under rules and regulations of the department.

A discussion took place after the reading of this draft.

Robert Guinn, Nevada Motor Transportation Association, said that they were in agreement with the Department on the bill and amendments.

On S.B. 64 - revises vehicle privilege tax depreciation schedule for heavy vehicles.

Richards stated that they were only attempting to eliminate the 1/2 percents. There would be no change in the revenues. This bill came from the Automation Division to make things easier.

On A.B. 211 -- increases permissible width of house trailers on highways.

The Chairman asked for testimony against this bill. (Mr. Getto was not available to testify for this bill.)

James Lambert, Superintendent, Law Enforcement Division, said that on Page 4, sub-section h, line 28, the wording was permissive. We need a set of rules and regulations set up on this. He felt that "shall" should replace the word "may".

Valentine added that he felt on Page 4, line 25, "may" should be changed to "shall".

Brian Firth (private person) urged that sub-section h, on Page 4, lines 28 through 31, be stricken completely. He said that the legislative powers of the state should be removed from the state and restricted to the legislature. This would also apply to A.B. 120. He didn't feel that the legislature should be able to delegate its regulatory authority to an agency of state government but should make all regulatory rules itself.

In response to a question, Lambert advised that there is a bill in process regarding flagging slow vehicles on the open road. Signs were already posted in farm areas regarding slow moving equipment.

On A.B. 23 - permits appointment of highway patrolmen within budgetary limitations.

As it now stands, 5 would be changed to 15 and the brackets would be removed.

Lowman advised that Swackhamer and Hilbrecht have objections to

this bill. The objections regard "augmentation" in the law. The objection now is to the original concept of the bill which was in itself to augment this patrol.

Howard read NRS 482.480, paragraph 8, regarding \$1 additional fee on drivers licenses. He felt that the theory is if you left the 5 and increase the patrol, the \$1 would augment only. The augmentation would be for hiring but not supporting the men. He suggested taking out "placed in a special fund", "through augmentation", "any balance remaining in such fund at the end of a fiscal year shall be deposited in the state highway fund in the State Treasury". He said they would have to increase the highway patrol and augment them through the highway fund. He felt they should add 30 men within the next two years, and then they would be back before the committee.

Lowman commented that some control is needed on this matter.

Ashworth felt that the highway patrol should be able to hire the 30 men requested within the next two years. If we changed this, it would keep the \$1 from reverting into the highway fund. That would accomplish what we want in the next two years.

Lambert felt that the language in paragraph 10 in N.R.S. 482.480 on augmentation could be changed slightly. He suggested changing "fiscal year" to "biennium". Otherwise, it would require that these men would have to be fired on June 30 and rehired on July 1.

Valentine suggested that instead of reverting the money a special fund should be set up.

Lowman stated that it should be used for patrol purposes.

Ashworth noted that the last sentence in the present law is not a very good one. The purpose of this bill was to keep that money separate in a special fund rather than having it go into the regular budget. He didn't feel it was wrong to have a reversion at the end of the biennium.

Leon Winkelman, Internal Auditor, Department of Motor Vehicles, advised that the bill as now written requires that the money be reverted on June 30. On July 1 there is not enough money for payroll purposes. He felt that it would be better to revert the funds at the end of the biennium.

Ashworth suggested changing 482.480 to "shall remain in the Highway Patrol special fund".

Winkelman advised that the Highway Patrol special fund would be a part of the State Treasury.

Ashworth felt that the special accounting should be eliminated and put into the highway fund and used in support of the overall Highway Patrol.

Guinn suggested doing away with the "special fund" and say "State Highway Fund". It says that already but it also says to be used for a purpose. He stated that the augmentation problem could be averted by the language in A.B. 177 which suggests amending 482.480. Also he felt that the last sentence on page 3 should be deleted.

Ashworth agreed.

Howard suggested in 482.480 after the fee of \$1 that the words "special fund" and "any remaining balance" be deleted.

Guinn suggested the words "supplementary patrolmen" be deleted in 481.145.

Virgil Anderson, American Automobile Association, felt that "special fund" should be eliminated and that the \$1 should be left in. This \$1 would be used for the augmentation of the Highway Patrol as intended by the legislature.

Guinn suggested "to be used only for the purpose of" and strike the sentence on reversion.

Kean moved to rescind the previous action taken on this bill. Seconded by Ashworth and passed unanimously. Grant Davis, Counsel, was then asked to work out amendments based on today's discussions.

The new motorcycle bill was presented.

Davis discussed the Highway Safety Subcommittee of the Legislative Commission's main changes in BDR 43-1249* which are redefinition of power cycles as motor cycles and the age for driving changed to that for an automobile. With learner permits they can drive them off the highway with proper supervision.

Hill advised that Senator Posey put in a bill on equipment and doing away with age limitations, S.B. 128. Hill said that their bill was to have everyone wear helmets. The bill was to make it mandatory that everyone has proper equipment. He felt that the bill would be killed if the age limitation was taken out.

A general discussion then resulted.

Ashworth felt that turn signals would be restricting.

Valentine moved to present with the changes. Ashworth seconded. Ashworth felt that the age should be changed from 14 to 16.

Valentine moved to make it effective for passage and approval and the other effective July 1.

BDR 43-1249 unanimously approved for introduction.

*A.B. 285

S.B. 63 - Valentine moved that this be amended and do pass. Kean seconded and it was unanimously passed.

S.B. 64 - Kean moved do pass, Ashworth seconded, and it was unanimously passed.

A.B. 211 - Valentine moved to amend line 25 deleting "may" and inserting "shall", Ashworth seconded, and it was unanimously passed.

Valentine moved to amend line 28 deleting the word "may" and inserting "shall", Ashworth seconded, and it was unanimously passed.

Valentine moved do pass as amended, Ashworth seconded, and it was unanimously passed.

The meeting adjourned at 11:43 a.m.

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AGENDA FOR COMMITTEE ON TRANSPORTATION

Date FEB. 11 Time 10:00 Room 240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
<u>A.B. 23</u>	<u>PERMITS APPOINTMENT OF HIGHWAY PATROL-</u> <u>MEN WITH BUDGETARY LIMITATIONS.</u>	<u></u>
<u>A.B. 211</u>	<u>INCREASES PERMISSIBLE WIDTH OF HOUSE</u> <u>TRAILERS ON HIGHWAYS.</u>	<u></u>
<u>S.B. 63</u>	<u>MAKES ADMINISTRATIVE CHANGES RELATING</u> <u>TO TAX RETURNS UNDER SPECIAL FUEL TAX</u> <u>LAW.</u>	<u></u>
<u>S.B. 64</u>	<u>REVISES VEHICLE PRIVILEGE TAX DEPRE-</u> <u>CIATION SCHEDULE FOR HEAVY VEHICLES.</u>	<u></u>
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*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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