

MINUTES

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Assembly Transportation Committee
March 4, 1975

Members Present: Messrs. Glover, Howard, Dini, May, Dreyer
Jacobsen, and Mrs. Hayes

Members Absent: None

Guests Representing

(See Attached Sheet)

The meeting was called to order by Chairman Glover at 3:00 p.m. The first order of business was A.B. 150. This bill expands the peace officer powers of field dealer inspectors of vehicle compliance and enforcement sections of registration division of department of motor vehicles and provides for their early retirement. The first speaker was Vernon Bennett, Executive Officer of the Retirement System. He stated that when this group of field dealer inspectors appeared before the Retirement Board in February, the Board listened to their testimony and then passed a motion taking no position regarding their eligibility for early retirement. The reason they did this was because coverage under the early police retirement is based on whether or not a person spends a majority of his time doing police work. He said the Retirement Board knew of a Bill before the Legislature now which might grant police powers to these field inspectors, and if they were granted these powers, then they would have more reason to qualify for early retirement. If the Legislature denied them these powers, then they would not be full time enforcement people and would not be eligible. He went on to say the Attorney General's opinion in 1971 defined very definitely the difference between police officers and fireman and these peace officers as far as early retirement. Mr. Bennett also stated that if they are granted these powers, they would not automatically be qualified for early retirement, but it would be a strong indication that they should be considered favorably.

Mr. Jacobsen asked if the Board had ever disapproved of a group coming under early retirement.

Mr. Bennett stated that the Public Service Commission and the Planning and Training Division, Department of Law Enforcement Assistance had been denied early retirement. He presented a sheet to the Committee listing those groups that had been approved for early retirement. (see attached)

Mr. Jacobsen asked on what basis was the denial granted? Mr. Bennett stated the basis was the Attorney General's opinion of 1971 which stated to be eligible for early retirement at least 90% of a group's work must be enforcement. He further stated that early retirement was taken away from Justices of the Peace because most of their duties were civil duties and they only

had the powers of policeman during an insurrection or riot.

Mr. Jacobsen asked Mr. Bennett if he had the order that all the groups had come into early retirement and the dates that it was effective. Mr. Bennett said he could get the information by tomorrow, but that most of them came under early retirement right after the Attorney General's decision in 1971. He mentioned that on the sheet given to the Committee there are listed some groups that have been approved for early retirement by the Board, but it will not become effective until the Legislature passed some bills that are before them this session. Those groups are: A brand inspector or livestock investigator of the State Department of Agriculture who exercises enforcement powers pursuant to Chapter 565 of NRS; A designated agent of the State Gaming Control Board or Nevada Gaming Commission who exercises enforcement powers specified in NRS 463.140; Sworn personnel of the Investigation and Narcotics Division of the Department of Law Enforcement Assistance; and Fish and Game Wardens of the Law Enforcement Division of the Nevada Dept of Fish and Game.

Mr. Dreyer stated that he thought the Fish and Game Wardens had been included in 1971. Mr. Bennett answered that when these Wardens appeared before the Board, it was brought out that there were 64 Wardens but that only 19 were in the law enforcement division. The Wardens had wanted all 64 covered, but the Board had recommended that only the 19 get early retirement.

Mr. Dini questioned if they really spend 90% of their time enforcing laws. Mr. Bennett said the 19 do.

Mr. Jacobsen asked if Mr. Bennett could see any increased provisions to require more input into the police retirement. Mr. Bennett answered: "Very definitely. The police and fireman are presently contributing an additional 1/2% employee - employer and this is a net increase of 1%. Our Actuary has determined that necessary additional contributions for present benefits is an additional 5% in contributions. There have been two things taken to approach in solving this problem: 1. The Retirement Board, with the recommendation of the Police and Fireman Assn, recommended in a bill before the Legislature now that police and fireman be placed in a separate fund within the retirement system. This will allow, first of all, the other groups to be sure that the police and fireman benefits are not paid by the other members and will allow us an actual study directly into this specific fund to make sure that it is properly funded. 2. They are also recommending that the employee-employer contributions be increased an additional 1/2% each year for 4 years.

Mr. Jacobsen asked if there ~~was~~ any legislation that would require the state to pick up the whole tab. Mr. Bennett answered that there is a separate bill before the Legislature that would be a mandatory "employer paid concept" and if this bill were adopted, the employer would pay the employee's contributions.

Bob Kerns, representing the Fire Fighters and Police Officers, spoke next. He said there has been a steady stream of people thinking they are police officers and asking for early retirement, and there must be a stop put to it. At this time he did not feel this group of field inspectors qualified to be police officers. He said there are several other groups that have the early retirement but shouldn't. But how do you get rid of them once they get the early retirement.

Mr. Jacobsen asked how many Fire and Policeman were involved now. Mr. Bennett answered 2200 to 2500.

E.J. Silva DMV testified next. He said the field officers already have police officer powers granted by the 1973 Legislature, but only to enforce certain chapters such as 42, 47, 49, & 108. They need full powers to enforce all chapters such as 44 & 46 also, and all the laws of the State of Nevada as the public expects them to.

Chairman Glover asked how much time are these field officers spending in law enforcement. Mr. Silva answered more than 90%. He said it was difficult to assess this time. He asked how much time does a police officer spend enforcing his duties. Mr. Dreyer said it was not a fair comparison. Mr. May asked Mr. Silva if he could say his primary occupation is now law enforcement. Silva answered never use to be but is now changing.

Newell Knight, A Reno Attorney, and former Deputy Attorney General, spoke next. He stated that he worked with DMV and he felt they did need these powers so they could enforce the laws of the State of Nevada efficiently.

A.B. 278 was discussed next. This bill clarifies the running of driver's license suspension and revocation periods. Bill Fitzpatrick, Chief of Drivers' License Div of DMV spoke for this Bill. He said it was designed to make DMV consistent with the law. Mr. Jacobsen asked if person had two revocations, would they run consecutively. The answer was yes.

A.B. 282 - Provides a 45-day period within which new Nevada residents must obtain Nevada Driver's license as prerequisite to driving motor vehicle in Nevada. Mr. Fitzpatrick spoke again for this bill saying this 45-day requirement would make the times consistent with the time a person must register his vehicle upon moving to Nevada. Mr. Dreyer asked how it would be enforced. Mr. Fitzpatrick stated it would be hard, but if a person didn't comply, it would be a misdemeanor. He said currently the Nevada law states that a person must immediately get a Nevada license upon moving to Nevada. Mr. Dreyer asked if Military personnel were required to get Nevada license when stationed here. Mrs. Hayes asked about college students. Mr. Fitzpatrick answered they all keep their own state's residency so would not have to.

Mr. Bill Pailey, Executive Secretary of AFL CIO, spoke against the bill. He wondered how this bill if passed would affect laborers, workers, electricians, etc. that come to work in Nevada for only temporary work.

Howard Hill clarified the definition of a Nevada resident which would exclude the above mentioned types of people coming into Nevada temporarily.

S.B. 63 Provides for special drivers' licenses for law enforcement agencies. Mr. Howard Hill, Director of DMV spoke for the Bill. He stated this bill would allow law enforcement officers to receive a license under another name to be used for undercover work. George Wendell from Division of Narcotics and Crime spoke for the bill. He explained to the Committee why an undercover agent needs another I.D. sometimes. Mr. Dini asked if this would involve entrapment by using a fake I.D. He answered No. He stated the drivers' licenses would be cross referenced if an undercover agent had more than one so no problems could come up. Mr. Wendell said a fake I.D. is one of the only protections for an undercover agent because he cannot carry a weapon. He said this bill would also protect the Dept of Motor Vehicle. Mr. Dreyer asked how many would they be issuing. The answer was about 500.

S.B. 125 Exempts ambulances, hearses and certain tow cars from specified fees. Mr. Winston Richards, Chief of Motor Carrier Division, spoke for this Bill. In the 1971 legislature, the legislature repealed the flat rate license rates on ambulances, hearses and tow cars of less than 9,000 lbs, and since that was repealed and the vehicles are still required to be in definition because of regulation and authority the dept of Motor Carrier feels it is necessary to put them back in as an exemption from all the motor carrier fees so that they don't get challenged on the fact that even though there is not a specific fee under that definition, they still are vehicles. Because they were repealed, they want to leave them repealed and not charge them any motor carrier fees.

As there was no other testimony, Chairman thanked the guests for coming and announced a 5 minute recess.

After the recess the following action was taken:

S.B. 125 Mrs. Hayes moved for a "Do Pass" Mr Jacobsen seconded and the motion was unanimous.

S.B. 63 Mr. Dini moved a "Do Pass" Mr. Howard seconded. Mr. Jacobsen moved to amend the motion to Hold it, Mr. Howard seconded and the motion to hold was unanimous with Mr. Dini and Mr. Glover voting No.

A.B. 282 Mr. Jacobsen moved Do Pass; Mrs. Hayes seconded, and it was unanimous for Do Pass.

A.B. 278 Mr. Dreyer moved a Do Pass, seconded by Mr. Jacobsen; the motion was passed unaminously

A.B. 150 Chairman Glover suggested that the Committee take out the early retirement section. Mr. Jacobsen moved a "Do Pass as Amended" eliminating the early retirement; Mr. Dreyer seconded and the motion was unaminous.

Chairman Glover announced that he had two BDR's. The first extends control of outdoor advertising signs outside incorporated towns or cities. BDR 35-929. Mr. Jacobsen moved for a Committee introduction of the bill, and to then refer it to the Committee on Environment and Public Resources. Mr. Howard seconded, and it was passed unaminously.

BDR 43-928 Makes failure to comply with command or signal of authorized flagman or other person serving in traffic control capacity unlawful. Mr. Jacobsen moved for Committee introduction; Mr. Dini seconded and it was passed unaminously.

Chairman Glover asked Mrs. Hayes to speak on the floor to S.B. 125. He announced that A.B. 225 would be heard on Tues, March 18. The meeting was then adjourned at 4:20 p.m.

ASSEMBLY

AGENDA FOR COMMITTEE ON TRANSPORTATION.....

Date Tuesday, March 4 Time 3:00 p.m. Room 214.....

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Bills or Resolutions to be considered	Subject	Counsel requested*
A.B. 150	Expands peace officer powers of field dealer inspectors of vehicle compliance and enforcement section of registration division of department of motor vehicles and provides for their early retirement. Fiscal Note: No. (BDR 43-273)	
A.B. 278	Clarifies the running of driver's license suspension and revocation periods.	
A.B. 282	Provides 45-day period within which new Nevada residents must obtain Nevada driver's license as prerequisite to driving motor vehicle in Nevada. Fiscal Note: No (BDR 43-945)	
S.B. 63	Provides for special drivers' licenses for law enforcement agencies. Fiscal Note: No. (BDR 43-292)	
S.B. 125	Exempts ambulances, hearses, and certain tow cars from specified fees. Fiscal Note: No (BDR 58-291)	

*Please do not ask for counsel unless necessary.

APPROVED FOR EARLY RETIREMENT

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Firemen:

A salaried employee of a fire prevention or suppression unit organized by a political subdivision of the State of Nevada.

Fire Wardens of the Nevada State Division of Forestry.

Police Officers:

A member of the Nevada Highway Patrol who exercises the police powers specified in NRS 481.0491 and 481.180.

The sheriff of a county or of a metropolitan police department, or his deputy.

The chief of police of an incorporated city or unincorporated town, or a subordinate peace officer.

A member of the University of Nevada System police department.

A correctional officer of the Nevada State Prison.

A special investigator for the Attorney General's Office or a District Attorney's office.

X A brand inspector or livestock investigator of the State Department of Agriculture who exercises enforcement powers pursuant to Chapter 565 of NRS.

A parole and probation officer of the department of parole and probation.

X A designated agent of the State Gaming Control Board or Nevada Gaming Commission who exercises enforcement powers specified in NRS 463.140.

An agent of the Nevada Youth Training Center designated as a parole officer.

X Sworn personnel of the Investigation and Narcotics Division of the Department of Law Enforcement Assistance.

✓ Fish and Game Wardens of the Law Enforcement Division of the Nevada Department of Fish and Game.

DENIED COVERAGE UNDER EARLY RETIREMENT

Employees of the Public Service Commission.

Employees of the Planning and Training Division, Department of Law Enforcement Assistance.

NO POSITION

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Field Dealer Inspectors of the Vehicle Compliance and Enforcement Section
of the Registration Division of the Department of Motor Vehicles.

DATE: March 4

LEGISLATION TO BE CONSIDERED: AB 272, AB 277

AB 301 SB 124

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PLEASE PRINT LEGIBLY

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee.

Also please sign below if you wish just to observe and listen.

NAME	REPRESENTING	GUEST	WISH TO SPEAK FOR AGAINST
George D. Munchel	State Police	Import & More	
Howard Hill	DMV		
Yvonne	DMV		
W. L. Fletcher			
Bill Fitzpatrick	DMV		
W. W. RICHARDS	DMV		
Patricia Wilson	Student		
John R. Battles	Student		
Ted Ehrhart	Fire		
Bob Kern	FIRE FIGHTERS	POLICE	
Vernon Bennett	Retirement		
B. W. Jupp			
Law Calley	New States	L. C. / D	
Neville Knight			

A.B. 282
S.B. 63