

The meeting was called to order at 1:40 p.m. in Room 323 in the Legislative Building.

PRESENT: Senator Richard Blakemore, Chairman
Senator Wilbur Faiss, Vice-Chairman
Senator Keith Ashworth
Senator Lawrence Jacobsen
Senator William Hernstadt
Senator Clifford McCorkle
Senator Joe Neal

OTHERS

PRESENT: Mr. Barton Jacka, Director of Department of Motor Vehicles
Mr. George B. Westenhoefer, Nevada Highway Department
Mr. Robert Hamlin, Nevada Highway Department
Mr. Paul Carrington
Mr. Sam Mamet, Clark County
Mr. Daryl Capurro, Nevada Motor Transport Association
Mr. Bob Warren, Nevada Mining Association
Mr. C.A. Soderblom, Nevada Railroad Association
Mr. Andy Grose, Legislative Council Bureau

S.B. 335 AUTHORIZES STATE PLAN FOR RAIL SERVICE AND PROJECTS TO PRESERVE, REHABILITATE AND RESTORE RAIL LINES.

Mr. Paul Carrington, an interested individual, spoke in favor of S.B. 335. He spoke of the importance the railroad transportation system has played in the development of Nevada in the past and if national affairs continue in the same vein, it is very likely that the railroads will play an even more important part. He said that basically the intent of this bill is to preserve branch lines, or those portions of main lines, that are in risk of being abandoned. He said that money has been appropriated and legislation has been enacted by the federal government to make it possible for the various states to put the proposed abandonments into a rail bank until such time as their improvement or total abandonment is justified. He said that this, in a broad sense, is the purpose of the bill. He stated that should any repair rehabilitation take place, most of the funding would be federal funds with some matching aspect from the local communities. Mr. Carrington stated that it is felt this bill holds an important part in the future of Nevada in assuring a stability of transportation which would not only be a great public service but would be economical in comparison with any other mode of transportation in existence today.

Senator Hernstadt asked Mr. Carrington what was the use in endeavoring to save a branch line if the parent company does not think enough of it to keep it. Mr. Carrington replied that the U.S. Government has seen fit to try to rescue as many branch lines as possible to keep them from being torn up and therefor abrogate the necessity of reinforcing many miles of highways when the basic capital in railroad cost has already been spent.

Mr. George Westenhoefer, Nevada Highway Department, explained that the bill is acutally in two parts, one of which is to allow the rehabilitation of branch lines and the other is to allow banking of both branch and main lines. He said that Nevada is eligible for one million dollars a year in rehabilitation monies from the federal government for rail. A study has to be made though to identify the rail problems and branch line problems and then a decision has to be made to rehabilitate them. Originally, it had to be something that was abandonable; however, it was modified in 1978 to allow a Class 1 branch line to be brought up to a Class 3 which would be about \$800,000. This can be done with federal funding and local monies and railroad monies combined. Banking would save the rail companies paying taxes on an alignment and the rights of way would not revert back to B.L.M. The chances of recouping an alignment would take about five years in environmental studies and arguments with B.L.M. He said that state funds would not be used for any refurbishing.

Senator Blakemore asked who requested this bill. Mr. Westenhoefer said that the Governor's office requested the study be done by the Highway Department and the Public Service Commission.

Senator Ashworth stated this bill would enable the Nevada Northern to be upgraded and refurbished especially if things become viable in White Pine County and there would be federal monies available in order to do this.

Mr. Robert Hamlin, Nevada Highway Department, said that through the federal grant \$670,000 is available to Nevada. He said that these monies can be used on two types of projects, rehabilitation projects and construction of rail-related facilities that would improve service and quality on a rail line. He said that every branch line in Nevada qualifies for these funds including Nevada Northern. He said there is a match of 80 percent federal funds and 20 percent other match, which could be city, county, railroad, shipper or a combination of these, but definitely not state funds which would be unconstitutional.

Mr. Bob Warren, Nevada Mining Association, spoke in favor of S.B. 335. He said he would like to see his tax dollars help to preserve the railroad system in Nevada which is extremely important to the economy of the State. He stated the opportunity to use this federal money should not be tossed away. Mr. Warren said the railroads are a major facility for mining.

Mr. Carl Soderblom, Nevada Railroad Association representing the Southern Pacific and Western Pacific railroads, spoke in favor of S.B. 335. He said this was not a welfare bill for the railroads, but was brought about by a national act.

Chairman Blakemore closed the hearings on S.B. 335.

A.B. 65 EMPOWERS PUBLIC SERVICE COMMISSION TO COMPEL
PRODUCTION OF RECORDS NOT MAINTAINED IN STATE.

Mr. Andy Grose, Legislative Council Bureau, spoke on A.B. 65. He said this bill is in regard to the Public Service Commission's difficulty in getting records from motor carriers that it might need to carry out its regulatory duties. This is primarily for out-of-state motor carriers operating in Nevada and being able to find out if the carrier is certificated or not. The enforcement of this bill would be paid for by motor carrier fees.

A.B. 77 CLARIFIES PERMIT REQUIREMENTS FOR CONTRACT MOTOR
CARRIERS.

Mr. Andy Grose, Legislative Council Bureau, spoke on A.B. 77. He said this is a good example of a cleanup that was recommended for change in the statutes. This bill would delete the word "qualify" in Section 1 of NRS 706.431.

Chairman Blakemore closed the hearing on A.B. 77 and resumed the hearing on A.B. 65.

Mr. Daryl Capurro, Nevada Motor Transport Association, spoke in support of A.B. 65. He told of an instance in Reno which partly brought about the basic thrust and resulted in this bill. He said that an outfit claiming to be a private carrier went out and leased a pit. He then leased owner/operator vehicles out of California, auspiciously on long-term leases as required by the Public Service Commission. It soon became evident that this individual was not operating, in fact, as a private motor carrier. The evidence that surfaced was that the owner/operators that were hired were not hired on the basis that would be legal under P.S.C. rules and regulations on long-term leasing, which required that they be hired on a per hour basis for the operator and vehicle. When the P.S.C. tried to review the books and records, this particular company claimed they were exempt from all rules and regulations of the Commission, citing the exemption section of Chapter 706 and refused them access to the books as stated in sub-paragraph 4, line 14. Mr. Capurro stated that the Interim Legislative Committee felt that in addition to the criminal penalties provided in the law, that the civil penalties should also be applied, which resulted in the second change in the bill.

Senator Blakemore closed the hearing on A.B. 65.

A.B. 430 PERMITS AGREEMENT WITH OUT-OF-STATE LAW ENFORCEMENT
AGENCIES TO EXCHANGE LICENSE PLATES.

Mr. Sam Mamet, Clark County spoke on A.B. 430. He said this bill was generated by the Clark County Automotive Department. He said that under the current situation the department is

having a difficult time in exchanging license plates with other out-of-state agencies for undercover purposes, such as narcotic investigations. He said the original draft of the bill was not quite what was requested but, with the cooperation of Department of Motor Vehicles and Mr. Jacka, some clearer language was developed and the amendment that was offered in the Assembly should not have included a \$5.50 charge. He offered the following amendment on Page 2, line 13, "with the exception of assessing the \$5.50 fee" or assessing the registration fee."

Senator McCorkle asked what was meant by exchange of license plates. Mr. Barton Jacka, Department of Motor Vehicles, replied that undercover operations between police agencies involve cold plated vehicles. This would mean exchange of plates between surrounding states. The narcotic traffic in the law enforcement community involves California quite a bit so some of the undercover agents from Nevada require a vehicle that has a California plate. This brings about the necessity to exchange plates with the California Department of Motor Vehicles. He said that other states do this for Nevada but Nevada cannot reciprocate because the law does not provide for this capability.

Chairman Blakemore closed the hearing on A.B. 430.

COMMITTEE ACTION:

S.B. 47 CREATES NEW CATEGORY OF MINOR COUNTY ROADS.

Chairman Blakemore appointed a subcommittee to look at an amendment on S.B. 47. The subcommittee is comprised of Senators Ashworth and Jacobsen.

A.B. 430 Senator Hernstadt moved that A.B. 430 be amended and recommended to "Do Pass."

Seconded by Senator Jacobsen.

Motion carried.

Senator Neal was absent.

A.B. 77 Senator Hernstadt moved that A.B. 77 be recommended to "Do Pass."

Seconded by Senator McCorkle.

Motion carried.

Senator Neal was absent.

A.B. 65 Senator Ashworth moved that A.B. 65 be recommended to "Do Pass."

Seconded by Senator Faiss.

Motion carried.

Senator Hernstadt voted no.

Senator Neal was absent.

S.B. 335 Senator Ashworth moved that S.B. 335 be recommended to "Do Pass."

Seconded by Senator Jacobsen.

Senators Hernstadt and McCorkle voted no with a reserved right to file a minority report.

Senator Neal was absent.

There being no further business, the meeting was adjourned at 3:07 p.m.

Respectfully submitted,

Jane A. King, Secretary

APPROVED:


Richard E. Blakemore, Chairman

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 430

ASSEMBLY BILL NO. 430—COMMITTEE ON
GOVERNMENT AFFAIRS

FEBRUARY 16, 1979

Referred to Committee on Government Affairs

SUMMARY—Permits agreement with out-of-state law enforcement agencies
to exchange license plates. (BDR 43-1039)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to vehicle licensing; permitting agreements with other states for
exchange of license plates for investigators of certain law enforcement agen-
cies; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 482.368 is hereby amended to read as follows:
2 482.368. 1. Except as provided in subsection 2, the department shall
3 provide suitable distinguishing plates for exempt vehicles. [Such plates
4 shall] *These plates must* be provided at cost and [shall] *must* be dis-
5 played on [such] *the* vehicles in the same manner as provided for
6 privately owned vehicles.
7 2. License plates furnished for:
8 (a) [Such automobiles as] *Those automobiles which* are maintained
9 for and used by the governor or under the authority and direction of
10 the chief parole and probation officer, the state contractors' board and
11 auditors, the state fire marshal, the investigation and narcotics division
12 of the department of law enforcement assistance and any authorized
13 federal or out-of-state law enforcement agency;
14 (b) One automobile used by the Nevada state prison, two automobiles
15 used by the Nevada girls training center, and four automobiles used by
16 the Nevada youth training center; and
17 (c) Automobiles maintained for and used by investigators of the
18 following:
19 (1) The state gaming control board;
20 (2) The division of brand inspection of the state department of
21 agriculture;
22 (3) The attorney general;

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

A. B. 77

ASSEMBLY BILL NO. 77—ASSEMBLYMEN HAYES,
GLOVER, HORN, BARENGO AND JEFFREY

JANUARY 16, 1979

Referred to Committee on Transportation

SUMMARY—Clarifies permit requirements for contract
motor carriers. (BDR 58-23)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to transportation; clarifying the requirements for a permit to operate as a contract motor carrier; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 706.431 is hereby amended to read as follows:
2 706.431 1. A permit may be issued to any [qualified] applicant
3 therefor, authorizing in whole or in part the operation covered by the
4 application, if it appears from the application or from any hearing held
5 thereon that:
6 (a) The applicant is fit, willing and able properly to perform the
7 service of a contract motor carrier and to conform to all provisions of
8 NRS 706.011 to 706.791, inclusive, and the lawful requirements and
9 regulations thereunder; and
10 (b) The proposed operation will be consistent with the public inter-
11 ests and will not operate to defeat the legislative policy set forth in
12 NRS 706.151.
13 2. An application shall be denied if the provisions of subsection 1
14 are not met.

29

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 65

ASSEMBLY BILL NO. 65—ASSEMBLYMEN HAYES,
GLOVER, HORN, BARENGO AND JEFFREY

JANUARY 16, 1979

Referred to Committee on Transportation

SUMMARY—Empowers public service commission to compel production of records not maintained in state. (BDR 58-27)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to transportation; empowering the public service commission of Nevada to compel the production of records of carriers which are not maintained in this state; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 706.171 is hereby amended to read as follows:
2 706.171 The commission may:
3 1. Make necessary and reasonable [rules and] regulations governing
4 the administration and enforcement of the provisions of this chapter for
5 which it is responsible.
6 2. Adopt by reference any appropriate rule or regulation, *as it exists*
7 *at the time of adoption*, issued by the United States Department of Trans-
8 portation, the Interstate Commerce Commission, any other agency of the
9 Federal Government, or the National Association of Regulatory and
10 Utility Commissioners.
11 3. Require such reports and the maintenance of such records as it
12 determines necessary for the administration and enforcement of this
13 chapter.
14 4. Examine, at any time during the business hours of the day,
15 the books, papers and records of any common, contract or private
16 motor carrier doing business in this state. [The fact that] *The com-*
17 *mission may examine in other states or require by subpena the produc-*
18 *tion inside this state* of such books, papers and records *as* are not
19 maintained in this state. [shall not cause the commission to lose any
20 right of examination under this chapter when and where such books,
21 papers and records become available.]

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

SENATE BILL NO. 335—SENATORS BLAKEMORE
AND DODGE

MARCH 15, 1979

Referred to Committee on Transportation

SUMMARY—Authorizes state plan for rail service and projects to preserve, rehabilitate and restore rail lines. (BDR 58-209)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to railroads; authorizing the department of highways to develop and carry out a state plan for rail service; providing powers and duties of the department to preserve, rehabilitate and restore rail lines; providing allowances for taxes on operating property of lines of railroad whose owners and operators agree to suspend service for a specified time as an alternative to abandonment; permitting the state to contract for the acquisition of rail lines by lease or purchase and the operation of them; permitting the state to contract for the construction, improvement or rehabilitation of rail lines; authorizing counties and cities to lease, purchase, construct and provide financial assistance to rail lines; providing penalties; and providing other matters properly relating thereto.

1 WHEREAS, The legislature finds and declares that rail service is vital
2 in many areas of this state and the continued availability of such service
3 is a public purpose and a matter which is of concern to the state as a
4 whole; now, therefore,

5
6 *The People of the State of Nevada, represented in Senate and Assembly,*
7 *do enact as follows:*

8
9 SECTION 1. Chapter 705 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

11 SEC. 2. *The department of highways:*

12 1. *Shall develop, in conjunction with the public service commission,*
13 *a state plan for rail service; and*

14 2. *May carry out the plan, including projects to:*

15 (a) *Preserve rail lines;*

16 (b) *Rehabilitate rail lines in order to improve service; and*

17 (c) *Restore or improve freight service on rail lines which are poten-*
18 *tially subject to abandonment.*

19 SEC. 3. 1. *The department of highways may:*

20 (a) *Apply for and accept federal, state, local and private money to*
21 *develop the state plan for rail service and to carry it out; and*