

The meeting was called to order at 2:11 p.m. in Room 323 in the Legislative Building.

Senator Blakemore in the Chair.

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

ABSENT: Senator William Hernstadt
Senator Clifford McCorkle

OTHERS

PRESENT: Assemblyman Paul Prengaman
Assemblyman Bob Rusk
Bob Warren, Executive Secretary, Nevada Mining Assoc.
Ed Crawford, Nevada Open Land Organized Council (NOLOC)
Dallas M. Byington, Nevada Cattleman's Association
Sam Mamet, Clark County
Bill Macdonald, District Attorney, Humboldt County
Barney Dehl, Nevada Highway Patrol
John Borda, Director, Office of Traffic Safety
Pat Bates, Bureau of Alcohol and Drugs

A.B. 465 EXTENDS TO TRAILERS AUTHORITY FOR SPECIAL PLATES WITH OWNERS' RADIO CALL LETTERS.

Assemblyman Paul Prengaman spoke on A.B. 465 since he had not attended the meeting when this bill had been heard (see previous testimony on April 12, 1979). He said this bill basically adds four words to Section 1 of NRS 482.375 and by doing so it permits licensed amateur radio operators to put license plates with their call letters on their "trailer or travel trailer." He said that Mr. Jacka of the Department of Motor Vehicles testified that since it would necessitate changing some of the computer programs in his Department, he requested that an effective date of January 1, 1980 be included in the bill and the bill was amended accordingly. Mr. Prengaman said the fiscal impact is less than \$2,000 but the licensed radio operators pay \$3.00 over and above the cost of their plates which would help defray the expense. He stated that a radio operator cannot have these plates on his car or truck as well as his trailer or travel trailer.

Chairman Blakemore closed the hearing on A.B. 465.

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

Bill Macdonald, District Attorney of Humboldt County, spoke on S.B. 47. He said that what S.B. 47 does is to restore to the NRS language that there does, in fact, exist roads that are public roads even though they may not be maintained as county roads or

state highways nor are they maintained by other entities. This provision was amended out of the NRS in the 1977 session. He said that S.B. 47 would permit counties to designate minor county roads and it would not require any standard of maintenance to be used if these roads are classified as such. He said the most important part of this bill is in Section 5 in which it defines a public road. These roads are not county roads or state highways, they are roads that provide access to otherwise inaccessible areas and that have been there for anywhere from 50 to 100 years. This bill would not require any agency to maintain these roads but it would permit any person to bring an action into court to prevent somebody else from closing these roads, such as a public agency.

Senator Neal asked if this would permit counties to extend public roads across private land. Mr. Macdonald said he did not think this bill would be helpful in counties establishing new roads. He thought it would be helpful in keeping the roads there now from further closure. He said that when the Bureau of Land Management has to be dealt with, the counties will be able to say that these are public roads by definition of state law.

Sam Mamet, Clark County, spoke in favor of S.B. 47. He said that Clark County now has no problems with the bill. He said he spoke to Russ McDonald in Washoe County who also said they have no problems with the bill. He felt the bill as it is presently written takes care of all of their concerns.

Bob Warren, Executive Secretary to the Nevada Mining Association, spoke in favor of S.B. 47. He said the need of this legislation is particularly pertinent because the Bureau of Land Management is in the process now of identifying those areas in Nevada that will be studied for wilderness designation and if these areas are shown as roaded, as provided in this bill, they would be dropped from consideration for wilderness.

Ed Crawford, President of the Nevada Open Land Organized Council (NOLOC), spoke in favor of S.B. 47. He said that, in effect, he was speaking for all of the recreational users of the back country. He said that so far as they are concerned they consider S.B. 47 probably one of the most positive steps to slow down the take-over of our public lands by the federal bureaucracy to be introduced during this session. He said that so far as the expense of posting signs, they have already contacted the chairman of the Washoe County Commission and offered volunteer labor to assist Washoe County in doing this. He felt that there will be many other outdoor organizations that would be glad to help the other counties throughout the state.

Dallas Byington, Nevada Cattleman's Association, spoke in favor of S.B. 47. He said that the cattle industry is scattered throughout the state and they use all means of access to the pastures. He said if the federal bureaucracy cut off some of the roads, it would

keep the cattlemen from getting to their summer pastures in some instances and he urged that the bill be passed as amended.

S.B. 133 CREATES PUBLIC WAY OF NECESSITY TO REMOTE AREAS AND PROHIBITS OBSTRUCTION THEREOF.

Senator Blakemore said that Senator Wilson was in support of S.B. 47 so was not concerned with S.B. 133 since S.B. 47 took care of the problem.

Senator Ashworth moved that S.B. 133 be Indefinitely Postponed.

Seconded by Senator Jacobsen.

Motion carried.

Senator Neal voted no.

S.B. 429 INCREASES PENALTIES FOR DRIVING UNDER INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCES AND PROVIDES FOR SUPPORT OF ALCOHOL AND DRUG ABUSE PROGRAMS.

Assemblyman Bob Rusk, Assembly District 28, spoke on S.B. 429. He spoke to the element of the bill that suggests there would be a tremendous increase in the fines and there would also be the inability for judges to reduce sentences in cases of drunken driving. He cited an example in Norway as an extreme of where a strong law seems to support the position of a stronger law. Since 1926, the Norwegian law has required a minimum prison sentence of three weeks for virtually any driver found with a blood alcohol concentration of .05 which is about half of what it is in Nevada. In answer to the question, does this prove effective; the answer is yes, it does seem to deter drunken driving. He said his interest in support of the bill is that he thinks anything that increases the penalties sufficiently and will help deter the problem of driving under the influence of alcohol is greatly needed.

Senator Ashworth said that he has a problem with the bill. He said the problem is in taking the fines away from the distributive school fund to start setting up funds for alcohol and drug abuse. He asked Mr. Rusk if he would be amenable to amend this bill to allow all fines to go to the distributive school fund. Mr. Rusk said he probably would only because he would like to see the bill survive in the area that he is most concerned about and that is the increase in penalties.

Senator Ashworth said that maybe the legislature should look at the alcohol and drug abuse programs as far as education is concerned and give the Bureau a set budget and as much money as possible. Mr. Rusk agreed with that and said there will be some bills addressed to that.

Senator Neal asked what the theory is for increasing the fines. Mr. Rusk said he would like to refer to the concept that greater penalties would be a deterrent to driving under the influence of alcohol. He feels it is a beginning.

Senator Neal said he feels this bill would effect the people who are alcoholics and who would be the most likely to not be able to pay the fines; why not direct this bill to education on drunken driving and drug abuse. Mr. Rusk said he would like to see the counties have detoxification centers which would also be addressed at a later time. This would deal with the very person that needs the help more than just being fined and thrown in jail. This person needs some guidance to help him get out of that addicted state.

Pat Bates, State Coordinator for the Bureau of Alcohol and Drug Abuse, spoke neither for nor against S.B. 429 because it had just come to the Bureau's attention. They had not been consulted about it and she had numerous questions to ask about the bill. She said the first question she had referred to lines 10, 11 and 12; could this be expanded to include existing DUI programs as certified programs. She also asked what the criteria was for allocation of these funds. Is the money to be used for treatment or was it to be used for prevention and education? She said they were also concerned about the area of county government that would be responsible for administering the money if the bill is passed. She said the Bureau is also concerned about Section 2, paragraph 3, lines 8 through 21, in which the Bureau feels the bill is discriminatory against the poor in that they would not be able to pay the fines and would probably be sent to jail.

Senator Blakemore said he could not answer the questions asked by Ms. Bates since Senator McCorkle had done the initial research on the bill and he was not present.

Senator Ashworth asked if this bill would negate the rehabilitation program the Bureau has at the present time. Ms. Bates said yes. Senator Ashworth said he thought some kind of an intermediate step could be put between the first time and the next time that demanded that the person go to the rehabilitation program and then if they fail after that, then lower the boom on him as it states in the second step in the bill. Ms. Bates agreed with him and said there are DUI schools in Reno and Las Vegas.

Senator Blakemore asked Ms. Bates how much she thought a program as suggested by Senator Ashworth would cost. Ms. Bates said she could find out what the costs would be.

Col. Barney Dehl, Nevada Highway Patrol, spoke on S.B. 429. He said he was not speaking against the bill because most assuredly they want to do everything they can to remove the drunk driver from the roads. He spoke on some technical points of the bill and he referred to subsection 4 on Page 2, line 17 which sets a fine of up

to \$1,000. He said that by establishing a fine of \$1,000 it prohibits the second offense of DUI from being tried in the city court as a misdemeanor but would require that it go to district court, which would be a great expense. It would also give someone an out because there is provision for city misdemeanors and he was sure that somebody would then try to get a second offense DUI moved into a city court, therefore bypassing this particular section. He said that by establishing this \$1,000 fine there would be a conflict of at least two sections, which would be NRS 193.120 and 193.140. He said this bill also provides for the suspension of an operator's license for a period of one year; this is in conflict with 483.460, subsection 2, which now provides that, for a second conviction of DUI within three years, the license is revoked for a period of two years. He said there is a great deal of difference between a revocation and a suspension of a license.

Vice-Chairman Faiss in the Chair since Chairman Blakemore had to testify in another committee.

Senator Ashworth asked Col. Dehl what he would suggest. Col. Dehl said he would have to give a frank answer and say kill the bill in its present drafting. Senator Ashworth agreed. Col. Dehl said he agrees that the drunks need to be gotten off the roads and that he is in total accord with education but there is another section that he would be hesitant to recommend, and that is pre-arrest breath screening as a deterrent as it is at the present time. He said that the bill in its present form would leave too many loopholes and it is virtually unenforceable as it stands.

John Borda, Office of Traffic Safety, spoke on S.B. 429. He said that if this bill were passed in its present form, money could not be used for the DUI schools that are presently in the state. He feels that education is the answer too, but this bill would give the funding to treatment centers or a certified program and the DUI school is not a certified program.

Senator Neal said that he is a defensive driving instructor and has been for the last four years and they have found that if a person has the knowledge about the effects of alcohol, he goes out with a better understanding of his capacity for drinking and what the consequences are for drunken driving. Mr. Borda agreed with Senator Neal.

Senator Faiss asked Mr. Borda if he thought this bill would create more problems than there already are. Mr. Borda said he certainly did not want to go out against it but the bill definitely has problems as it is written.

Senator McCorkle in attendance.

Senator McCorkle spoke on S.B. 429. He said how this state compares to other states is pretty relevant. He said that right now there are 25 states that follow the Uniform Vehicle Code which is a more

severe code than Nevada has. Twelve states have a maximum period of confinement of less than one year for driving while under the influence and Nevada is one of those states. Senator McCorkle wondered where this data came from because he looked at the law and it says two years.

Senator Blakemore in the Chair.

Senator Ashworth said his main concern with this bill is the money going to detox centers instead of into the distributive school fund. Senator McCorkle explained that the way the bill is written, fine monies would go directly into the general fund, which is the school fund, but the bill is written so that an amount equal to the amount of the fine money is appropriated to detox centers and this gets around the constitution.

Mr. Macdonald said that the cities and counties enact an ordinance that makes a DUI a violation of city or county laws then the city or county gets that fine rather than the state school fund because in these cases the State of Nevada is not the plaintiff.

Senator Blakemore said that before this bill was handled, he wanted to urge everyone to attend a movie on drunken driving on April 23rd.

Senator McCorkle summarized and said the committee was hesitant to go from \$500 to \$1,000 because of the misdemeanor problem, which he could accept. The second problem is that the bill says one year and there is already two years in the law and in that case the penalty is being reduced. The third situation is whether or not money that is earmarked for education should be put into detox centers. The rationale for this is that if the committee has gone to \$1,000, there will be an increase in fine income which is specifically to be used for detox centers.

Senator Ashworth disagreed with Senator McCorkle's rationale. He said if Senator McCorkle could find another way to get the drunk driver off the street, he would go along with him.

Senator McCorkle asked for suggestions on how to improve this bill. Senator Blakemore said he supports the basic concept of this bill and asked Senator McCorkle if he would like to meet with Col. Dehl, Mr. Macdonald and Mr. Borda to try and improve the bill and make it more workable.

Chairman Blakemore closed the hearing on S.B. 429.

Committee Action:

BDR 43-1808 Changes the method of computing number of certain personnel of Nevada Highway Patrol. (SB 487)

The Committee agreed to introduction.

BDR 32-1890 Increases tax on motor vehicle fuel especially for the construction of Nevada highways. (~~SB 488~~)

The Committee agreed to introduction and referral to the Committee on Taxation.

S.B. 47 CREATES NEW CATEGORY OF MINOR COUNTY ROADS.
(See previous testimony on April 17, 1979.)

Senator Ashworth moved that S.B. 47 be recommended to "Do Pass" as amended.

Seconded by Senator Jacobsen.

Motion carried.

Senator Neal absent for the vote.

A.B. 465 EXTENDS TO TRAILERS AUTHORITY FOR SPECIAL PLATES WITH OWNERS' RADIO CALL LETTERS.
(See previous testimony on April 12, 1979.)

Senator Ashworth moved that A.B. 465 be recommended to "Do Pass."

Seconded by Senator Faiss.

Motion carried.

Senator Jacobsen voted no and Senator Neal was absent for the vote.

S.B. 376 CLARIFIES REQUIREMENT THAT COMMERCIAL AMBULANCE SERVICES COMPLY WITH RATE AND SERVICE PROVISIONS OF LAW REGULATING MOTOR VEHICLE CARRIERS.
(See previous testimony on April 5, 1979.)

Senator Ashworth moved that S.B. 376 be recommended for "Do Pass" as amended.

Seconded by Senator Faiss.

Motion carried.

Senator Neal absent for the vote.

A.B. 117 MAKES CERTAIN MINORS ELIGIBLE FOR IDENTIFICATION CARDS FOR PERSONS WITHOUT DRIVERS' LICENSES.
(See previous testimony on April 3, 1979.)

Senator Faiss moved that A.B. 117 be recommended for "Do Pass" as amended.

Seconded by Senator Jacobsen.

Motion carried.

Senators McCorkle and Neal absent for the vote.

A.B. 75

PROVIDES CIRCUMSTANCES UNDER WHICH OPERATORS OF MOTOR CARRIERS MUST SUBMIT REPORTS TO COMMISSION.
(See previous testimony on April 12, 1979.)

Senator Ashworth moved that A.B. 75 be Indefinitely Postponed.

Seconded by Senator Jacobsen.

Motion carried.

There being nor further business, the meeting was adjourned at 3:39 p.m.

Respectfully submitted,


Jane A. King, Secretary

APPROVED:


Richard E. Blakemore, Chairman

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 47

SENATE BILL NO. 47—SENATOR GLASER

JANUARY 18, 1979

Referred to Committee on Transportation

SUMMARY—Creates new category of minor county roads. (BDR 35-246)

FISCAL NOTE: Effect on Local Government: Yes.
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 public roads; creating a new class of minor county roads; providing for mapping of those roads and filing the maps with the department of highways; recognizing certain other ways as public roads and granting a cause of action to keep those roads open; 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. Chapter 403 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 1. *The board of county highway commissioners shall post signs on*
4 *each road which it has designated a minor county road, advising travelers*
5 *on that road that the road receives only minimum maintenance and that*
6 *the traveler should proceed with caution.*

7 2. *The county road supervisor shall inspect each sign at least once*
8 *each year to ensure that it is in place and legible. The county road*
9 *supervisor shall make necessary repairs to each sign or replace it when*
10 *any person notifies him or he otherwise becomes aware that a sign is*
11 *missing or in need of repair.*

12 SEC. 2. NRS 403.170 is hereby amended to read as follows:

13 403.170 1. [On or before September 1, 1913, the] *The board of*
14 *county highway commissioners of each of the several counties of the*
15 *State of Nevada shall:*

16 (a) Lay out and designate which of the roads, generally termed public
17 highways, are the most important to the people of the whole county and
18 over which there is the greatest amount of general public travel [Such
19 roads shall be termed and designated] *and shall designate these roads as*
20 *main county roads.*

21 (b) Lay out and designate [the] other roads of the county over
22 which there is general public travel, and which are generally termed

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 465

ASSEMBLY BILL NO. 465—ASSEMBLYMAN PRENGAMAN

FEBRUARY 26, 1979

Referred to Committee on Transportation

SUMMARY—Extends to trailers authority for special plates with owners' radio call letters. (BDR 43-1206)

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; authorizing special plates with owners' radio call letters for trailers and travel trailers; 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 482.375 is hereby amended to read as follows:
2 482.375 1. An owner of a motor vehicle who is a resident of the
3 State of Nevada and who holds an unrevoked and unexpired official
4 amateur radio station license issued by the Federal Communications
5 Commission, upon application accompanied by proof of ownership of
6 such amateur radio station license, complying with the state motor
7 vehicle laws relating to registration and licensing of motor vehicles, and
8 upon the payment of the regular license fee for plates as prescribed by
9 law, and the payment of an additional fee of \$3, shall be issued a license
10 plate or plates, upon which in lieu of the numbers as prescribed by law
11 shall be inscribed the official amateur radio call letters of such applicant
12 as assigned by the Federal Communications Commission. Such plate or
13 plates may be used only on a private passenger car, *trailer or travel*
14 *trailer* or on a noncommercial truck having an unladen weight of 6,000
15 pounds or less.
16 2. The department shall make such rules and regulations as are
17 necessary to ascertain compliance with all state license laws relating to
18 use and operation of a motor vehicle before issuing such plates in lieu
19 of the regular Nevada license plate or plates, and all applications for
20 such plates shall be made to the department.
21 SEC. 2. This act shall become effective on January 1, 1980.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 376

SENATE BILL NO. 376—SENATOR JACOBSEN

MARCH 26, 1979

Referred to Committee on Transportation

SUMMARY—Clarifies requirement that commercial ambulance services comply with rate and service provisions of law regulating motor vehicle carriers. (BDR 58-1471)

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 emergency medical services; requiring filing of rate schedules for ambulances; 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. Chapter 450B of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *Each public and private owner of an ambulance or air ambulance*
4 *shall file his schedule of rates with the health division. Any change in a*
5 *schedule must be filed before the change becomes effective.*
6 2. *The health division shall keep each schedule of rates or changes*
7 *filed with it for at least 3 years after the schedule has been superseded*
8 *or otherwise become ineffective.*
9 SEC. 2. Each owner must first file his schedule of rates on or before
10 July 15, 1979.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 117

ASSEMBLY BILL NO. 117—ASSEMBLYMEN WAGNER,
HAYES AND SENA

JANUARY 18, 1979

Referred to Committee on Transportation

SUMMARY—Makes certain minors eligible for identification cards for persons without drivers' licenses. (BDR 43-672)

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 identification cards for persons without drivers' licenses; reducing the age of eligibility for the cards to 10 years of age; 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 483.810 is hereby amended to read as follows:
2 483.810 The legislature finds and declares that:
3 1. A need exists in this state for the creation of a system of identifi-
4 cation for [adult] residents *10 years of age or older* who do not hold a
5 driver's license.
6 2. To serve this purpose, official identification cards [should] *must*
7 be prepared for issuance to those [adult] residents *10 years of age or*
8 *older* who wish to apply for them. The cards [should] *must* be designed
9 in such form and distributed pursuant to such controls that they will
10 merit the general acceptability of drivers' licenses for personal identifi-
11 cation.
12 SEC. 2. NRS 483.820 is hereby amended to read as follows:
13 483.820 1. Every [adult] resident of this state *10 years of age or*
14 *older* who does not hold a Nevada driver's license and makes an appli-
15 cation as provided in this chapter is entitled to receive an identification
16 card.
17 2. The department of motor vehicles shall charge and collect the
18 same fees for issuance of an original, duplicate or changed identification
19 card, *other than a card issued to a minor, as for a driver's license. The*
20 *department shall charge and collect a fee of \$3 for an original identifica-*
21 *tion card issued to a minor, and a fee of \$2 for a duplicate card, new*
22 *photograph, change of name, change of address or any combination.*

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