

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 21, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 2:20 p.m., Tuesday, April 21, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Richard E. Blakemore, Chairman
Senator Joe Neal
Senator Lawrence E. Jacobsen
Senator Wilbur Faiss
Senator Clifford E. McCorkle
Senator James H. Bilbray

COMMITTEE MEMBER ABSENT:

Senator William Hernstadt, Vice Chairman

STAFF MEMBER PRESENT:

Kelly R. Torvik, Committee Secretary

SENATE BILL NO. 506

Mr. Julius Conigliaro, representing the City of Las Vegas, explained that the bill had been submitted by the City of Las Vegas. It would require that anyone who built a structure within an airport zoning area would provide and maintain the markers and lights required on structures or trees over 55 feet in height by the F.A.A. Presently the cities and counties provide and maintain those markers and lights.

Senator Bilbray asked if the county could require that the builders provide and maintain the lights by a county ordinance. Mr. Conigliaro stated that the county does not have the authority to do that. He stated that if the legislation were passed the county would amend its ordinances to comply.

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Senator Faiss asked how much of an expense was incurred by the county maintaining the lights and markers. Mr. Conigliaro stated that Las Vegas has six square miles of airport zoning area and it maintains lights and markers on all private buildings.

Senator Bilbray asked if the bill would require the owners of buildings which presently have county installed lights and markers to maintain those lights and markers. Mr. Conigliaro explained that the bill was not retroactive, although, he would be amenable to such a requirement.

Chairman Blakemore pointed out that they could preclude the city from providing and maintaining the lights and markers. Therefore, the owners of the buildings would be under the F.A.A. jurisdiction to see that the lights and markers were provided and maintained.

Senator Jacobsen asked how many lights the cities and counties are currently maintaining. Mr. Conigliaro stated that there were many in Clark County and it would be a tremendous burden if the cities and counties were required to continue to provide and maintain the lights and markers.

ASSEMBLY BILL NO. 73

Mr. Barton Jacka, Director, Department of Motor Vehicles, stated that he requested the legislation. He explained that the six divisions under the department are enumerated and mandated to be in existence. He had developed the department into a viable and effective operation to the best of his ability within the limits of the law. He explained that during the Assembly hearings of the bill there was some consternation of a few law enforcement agencies in regard to the Nevada Highway Patrol. There was concern that a Nevada state police would be created as opposed to maintaining the Nevada Highway Patrol. He assured the Assembly committee that he was only interested in allowing the divisions to be in a permissive rather than mandatory situation. The Assembly committee amended the bill to require that the Nevada Highway Patrol be maintained. That amendment also placed legislative approval within the law. Mr. Jacka gave some examples of what he might do if the bill was approved. He could dissolve one division into existing divisions in an effort to consolidate services. The purpose of the legislation is to have the department operating efficiently and effectively.

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Senator Jacobsen asked for a synopsis of the duties of each division. Mr. Jacka explained that the Registration Division is responsible for the registration of all motor vehicles in the state. The Motor Carrier Division is responsible for the overweight and overwidth enforcement that exists in the trucking industry. The Driver's License Division is responsible for issuance of licenses to all drivers in Nevada. The Nevada Highway Patrol is responsible for the enforcement of the rules, regulations and laws pertaining to the motor vehicle laws of the state. The Communications Subdivision is responsible for the microwave system throughout the state. The Administrative Services Division is the budgetary and bookkeeping unit within the department. Automation Division operates the data processing system within the department. The Office of Traffic Safety is responsible for overseeing, monitoring and maintaining traffic safety grants.

The Chairman asked if the committee would object to a committee introduction of *Bill Draft Request 43-1893, which is an act relating to vehicle registration, increasing the additional fee for registration of motor vehicles which is accounted for in the highway patrol special fund. There were no objections.

SENATE BILL NO. 154

Chairman Blakemore noted that the bill did not have a provision which was discussed by the committee before it transferred the bill to the Senate Committee on Taxation. He felt that it would be appropriate for the committee to develop an amendment. He stated that the first portion of the amendment could state that the excise tax on all motor vehicles fuel and special fuel sold will not exceed the 17.5 cents per gallon in column A of the bill, until July 1, 1983.

Senator Bilbray stated that 17.5 cents is very high. Chairman Blakemore stated if the bill were approved, many other states would follow suit, and Nevada would still have one of the lowest taxes in the West. Mr. Al Stone, Director, Department of Transportation, stated that the average tax is 10.25 cents.

Senator Bilbray suggested that the tax be set at 12 cents until the next biennium. Senator McCorkle explained that the rationale for raising the tax is because the state is falling behind due to rising petroleum prices. If the tax is anything less than what the bill proposes the states will continue to fall behind as prices of petroleum increase. Chairman Blakemore pointed out that the counties would continue to fall behind also.

*(S.B. 588)

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Senator Bilbray stated that he was against the idea of a sliding scale. He asked how many states used the sliding scale. Mr. Stone stated that 13 states are currently on the sliding scale and 35 states are asking for a sliding scale tax from their legislature.

Senator McCorkle pointed out that if the tax were limited to 12 cents it would take a 15 or 20 year maintenance program for the state to catch up rather than a 12 year program as proposed by the Department of Transportation. Chairman Blakemore noted that costs would continue to escalate.

Chairman Blakemore asked the committee if they accepted the date being put into the amendment. Senator McCorkle stated that the legislation would be reviewed in two years regardless if the date were in it or not. Chairman Blakemore stated that Senator Lamb was adamant about having the date for review in the legislation.

The committee accepted the first portion of the amendment with the date of July 1, 1983.

Chairman Blakemore explained that the second suggested portion of the amendment would require legislative review of the 12 year program each session of the legislature. The committee accepted that portion of the amendment.

Chairman Blakemore explained the third portion of the amendment. It stated that the increased tax is only to be used for the preservation, resurfacing and maintenance of existing systems. This would be subject to the review of the Interim Finance Committee.

Senator Bilbray asked Mr. Stone if the Department planned to maintain all state roads in the state if the bill were approved. Mr. Stone stated that the department would maintain everything that it was responsible for under the state system, approximately 5,000 miles. He stated that if he has the funds to maintain roads on the state system he may do so if they meet the priority.

Senator Bilbray stated that he understood that the department was proposing to maintain 365 miles of road in Clark County. Mr. Stone stated that he did not believe that Clark County would want the department to take over the responsibility of maintenance of certain roads in Clark County. He did not think that the people believed that the department would be as responsive to their needs as the county. He explained that for the department to take over a system it would have to reevaluate the system. Senator Bilbray felt that Clark County would prefer that the department

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Senator McCorkle noted that the amendment does not mandate a safety course or test. Mr. Harrell explained that currently a test has to be passed in order for a motorcyclist to get a license. Chairman Blakemore noted that there is a 45 percent failure rate of that test. Mr. Harrell stated that the Department of Motor Vehicles certifies the riders when they complete the Motorcycle Safety Foundation course.

Senator McCorkle asked if the Motorcycle Safety Foundation course would be mandatory. Mr. Harrell explained that the course is not available statewide and, therefore, cannot be mandated. Eventually the course should be available statewide. He noted that 28 percent of the motorcycles are registered in Washoe County and 54 percent are registered in Clark County. Chairman Blakemore stated that as of September the Department of Motor Vehicles will no longer have the monies which are currently being provided for the motorcycle training programs. The \$10 fee, as suggested in the amendment, could at least keep the programs going.

Senator Jacobsen asked Mr. Jacka if he felt that he could operate the program without additional personnel. Mr. Jacka stated that he had not considered that and, also, he had not seen the amendments. Mr. Harrell stated that to get the program on a statewide basis it was estimated that at least two monitors would be necessary to see that the courses were meeting the Motorcycle Safety Foundation requirements.

Senator Jacobsen asked if the inspectors giving the motorcycle license tests were qualified in determining if the motorcyclist can ride the motorcycle properly. Mr. Jacka stated that some of the inspectors are motorcycle riders themselves.

Senator Neal asked if the state enforcement agencies use motorcycles on the highways. Mr. Jacka stated that they do not presently use motorcycles.

Senator Jacobsen asked how education would be handled in the rural areas. Mr. Harrell stated that the Office of Traffic Safety, the Western Nevada Community College and himself had decided that it would be best to bring in a number of individuals from the rural areas who were interested in becoming instructors. They would become certified instructors and would return to the rural areas and teach the course with motorcycles supplied by the Motorcycle Dealers Association. They would use the same standards that are used in Clark and Washoe Counties. The course is based on the same concepts as hunter safety courses.

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Senator McCorkle moved that the amendment be adopted.

Senator Bilbray seconded the motion.

The motion passed. (Senator Hernstadt was absent for the vote.)

SENATE BILL NO. 506 (See Exhibit D)

Senator Bilbray proposed an amendment to the bill which would require that where there are lights or markers existing on private property, the subdivision may require, upon giving written notice to the property owner, that the property owner maintain said lights and markers to the standards of the F.A.A. Any violations would be a misdemeanor. He stated that it would be much less expensive for the building owners to maintain the lights and markers.

Senator Bilbray moved that the bill receive an amend and do pass recommendation with his suggested amendment.

Senator Faiss seconded the motion.

The motion passed. (Senator Hernstadt was absent for the vote.)

ASSEMBLY BILL NO. 73

Senator Bilbray moved that the bill receive a do pass recommendation.

Senator Jacobsen seconded the motion.

Senator McCorkle asked what the bill did which could not presently be done with the approval of the legislature. Mr. Jacka explained that the law mandates that there are six specific divisions. Passage of the bill would give the director of the department the capability, with legislative approval, to consolidate divisions.

Senator Bilbray stated that the consolidation could save money. Senator McCorkle stated that he had never seen consolidation save money.

Senator McCorkle felt that reorganization was a major function and that responsibility should not be given to the Interim Finance Committee.

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maintain the system if the department would do a good job. Mr. Stone stated that the department maintains approximately 650 miles of road in Clark County, which carries 60 percent of the traffic in the county.

Senator McCorkle felt that the money should only be used for preservation, resurfacing and maintenance without the option of going to the Interim Finance Committee for permission to use the money for other purposes. Chairman Blakemore pointed out that a situation may arise where the department should have the ability to appear before the Interim Finance Committee to ask for permission to use the funds for a different purpose. The intended use of the funds was expressed in the bill.

The Chairman asked the committee if it agreed to the amendments. If they agreed he would have them drafted. The committee agreed.

SENATE BILL NO. 297

Mr. Fred Harrell, representing the Motorcycle Dealers Association and the Nevada Association of Concerned Motorcyclists, explained that there was a constitutional question with the original amendments regarding additional fees attached to registrations being earmarked for education. He explained Amendment No. 548 which would remedy that situation. (See Exhibit C.) He stated that a \$10 fee attached to the motorcyclists' driver's license would provide sufficient funds to support a motorcycle safety program. He explained that there were some questions whether the requirement for education could be enforced as proposed in the first amendment. Therefore, the amendment was changed to provide that all motorcycle riders under the age of 21 wear a helmet. He felt that this requirement would not do exactly what they were trying to accomplish with the mandatory education, however, it would require that a majority of the inexperienced riders wear a helmet.

Senator Bilbray asked if mopeds were covered under the bill. Mr. Harrell stated that they were not. Mopeds are not registered vehicles.

Senator Bilbray stated that he understood that associations do support the registration, licensing and helmet requirements for moped drivers under the age of 21. Chairman Blakemore pointed out that because mopeds are like bicycles there could be a problem with registering them. Senator Bilbray noted that mopeds do use fuel and if there was ever an allocation of fuel that registrations would be the tool used for the allocation. Chairman Blakemore explained that could be addressed when the moped bill is heard at the April 23 meeting.

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Senator Neal stated that he was not present for the testimony and that he did not feel confident voting for the bill at that time. The committee agreed to vote on the bill at a later date.

There being no further business, the meeting adjourned at 3:12 p.m.

Respectfully submitted by:


Kelly R. Torvik

APPROVED:


Senator Richard E. Blakemore
Chairman

Dated: 4/23, 1981

SENATE AGENDA

COMMITTEE MEETINGS

Committee on Transportation, Room 323.Day Tuesday, Date April 21, 1981, Time 2:00

S. B. No. 506--Requires owners of certain hazardous structures in airport zoning areas to pay for warning lights.

A. B. No. 73--Makes organizational structure of department of motor vehicles discretionary with director.

(This meeting was originally scheduled for April 16, 1981.)

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON TRANSPORTATION

DATE: APRIL 21, 1981

EXHIBIT B

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
X <i>Henrikson</i>	UMRON Reno	786-3709
<i>J. Conigliaro</i>	City of Las Vegas	883-0768
<i>Fred. W. Harrell</i>	MC Dealers Assn & Nev Assn of Cong. & M.C. St	871-165
<i>Barton J. ACKA</i>	DND	885-5375
<i>A. E. Stone</i>	NDOT	885-5440
<i>Daryl L. E. Capurro</i>	Nev. Motor Transport Assn	331-6884
<i>John W. Borda</i>	" " " "	331-6884

ASSEMBLY ACTION

SENATE ACTION

Adopted
 Lost
 Date:
 Initial:
 Concurring in
 Not concurring in
 Date:
 Initial:

Adopted
 Lost
 Date:
 Initial:
 Concurring in
 Not concurring in
 Date:
 Initial:

Senate
 AMENDMENTS to Senate
 Bill No. 297 ~~Joint~~ Resolution No.
 BDR 43-1036
 Proposed by Committee on Transportation

Amendment No 548

Replaces Amendment No. 505.
 Conflicts with Amendments Nos. 288 & 289.

Amend the bill as a whole, by inserting new sections, designated sections 1 through 4, preceding section 1, to read:

"Section 1. Chapter 486 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. The department shall provide appropriate programs and courses for the teaching of safety in the operation of motorcycles.

Sec. 3. In addition to the fee imposed by NRS 483.410 for a motorcycle endorsement to a driver's license, the department shall charge for every such endorsement a fee of \$10 for safety education.

Sec. 4. All amounts collected by the department from the fees for safety education imposed for motorcycle endorsements pursuant to section 3 of this act must be deposited in the state treasury for credit to the account for motorcycle safety, which is hereby created in the motor vehicle fund. Money in the account is not subject to transfer to the state general fund and must be used by the department for the purposes set forth in section 2 of this act."

Amend the bill as a whole by renumbering sections 1 and 2 as sections 5 and 6.

Amend section 1, page 1, line 1, by deleting "Section 1." and inserting "Sec. 5."

To: E & E
 LCB File
 Journal
 Engrossment
 Bill ✓

Drafted by JW:smc Date 4-15-81

Amend section 1, page 1, line 3, by deleting the open and closed brackets.

Amend section 1, page 1, line 6, by deleting the open bracket.

Amend section 1, page 1, line 7, by deleting the 3 brackets.

Amend section 1, page 1, line 8, by deleting the open bracket.

Amend section 1, page 1, line 9, by deleting the closed bracket.

Amend section 1, page 1, line 10, by deleting the open bracket.

Amend section 1, page 1, line 11, by deleting the closed bracket.

Amend section 1, page 1, after line 21, by inserting:

"6. If the driver of a motorcycle is 21 years of age or older, neither he nor any passenger riding with him is required to wear protective headgear."

Amend sec. 2, pages 1 and 2, by deleting lines 22 and 23 on page 1 and lines 1 through 8 on page 2, and inserting:

"Sec. 6. 1. Section 3 of this act expires by limitation on June 30, 1985.

2. Section 4 of this act expires by limitation on June 30, 1986. Any balance remaining in the account for motorcycle safety must not be committed for expenditure after that date, and reverts to the state general fund as soon as all payments of money committed have been made."

Amend the title of the bill to read:

"AN ACT relating to motorcycles; limiting the requirement for protective headgear to drivers under 21 years of age and their passengers; requiring that the department of motor vehicles provide programs and courses in motorcycle safety; temporarily imposing upon every motorcycle endorsement to a driver's license a fee for safety education; and providing other matters properly relating thereto."

S. B. 506

SENATE BILL NO. 506—COMMITTEE ON TRANSPORTATION

APRIL 6, 1981

Referred to Committee on Transportation

SUMMARY—Requires owners of certain hazardous structures in airport zoning areas to pay for warning lights. (BDR 44-1233)

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 zoning for airports; requiring owners who erect certain structures to pay for warning lights as a condition of receiving permits or variances; 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 497.140 is hereby amended to read as follows:
 2 497.140 1. In granting any permit or variance under NRS 497.120
 3 and 497.130, the administrative agency or board of adjustment may, if
 4 it deems such *an* action advisable to [effectuate] *carry out* the purposes
 5 of this chapter and reasonable in the circumstances, so condition [such]
 6 *the* permit or variance as to require the owner of the structure or tree in
 7 question to permit the political subdivision [, at its own expense,] to
 8 install, operate and maintain thereon *at the owner's expense* such mark-
 9 ers and lights as may be necessary to indicate to [flyers] *aviators* the
 10 presence of [an airport] *a hazard* [.] *to flight*.
 11 2. The political subdivision may, with the permission of the owner
 12 and at its own expense, install, operate and maintain, upon nonconform-
 13 ing structures existing at the time the particular zoning regulation is
 14 adopted or amended, such markers or lights as may be necessary.