

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-third Session
April 5, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:39 p.m. on Tuesday, April 5, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joe Heck, Vice Chair
Senator Maurice E. Washington
Senator Mark E. Amodei
Senator Michael Schneider
Senator Maggie Carlton
Senator Steven Horsford

GUEST LEGISLATORS PRESENT:

Senator Bob Beers, Clark County Senatorial District No. 6
Senator Bob Coffin Clark County Senatorial District No. 10
Senator Dina Titus Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
James Puffer, Intern to Senator Nolan
Lee-Ann Keever, Committee Secretary

OTHERS PRESENT:

Paul R. Martin, President, Nevadans for Equal Access
Robert A. Desruisseaux, Northern Nevada Center for Independent Living
Martha Barnes, Administrator, Central Services and Records Division,
Department of Motor Vehicles

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Riana Durrett, Intern to Senator Schneider
Cindy N. Kirkland, Colonel, Chief of the Joint Force Headquarters (Army and Air Guard), Office of the Military
Pat Williams, President, Friends of Red Rock Canyon
Joe L. Johnson, Toiyabe Chapter Sierra Club
Kaitlin Backlund, Nevada Conservation League
Stacy Allsbrook, Executive Director, Las Vegas Centennial Committee
Robert A. Ostrovsky, City of Las Vegas
William Bainter, Lieutenant, Nevada Highway Patrol, Department of Public Safety
Frank Adams, Nevada Sheriffs' and Chiefs' Association
Traci (Filippi) Pearl, Highway Safety Representative, Office of Traffic Safety, Department of Public Safety
Robert Mills, Deputy Director, Court Services, Office of Court Administrator, Nevada Supreme Court
Erin Breen, Director, Safe Community Partnership

Chair Nolan explained that the Committee would operate as a subcommittee until a quorum was present and that the agenda items would heard out of order. Chair Nolan opened the hearing on Senate Bill (S.B.) 269.

SENATE BILL 269: Revises provisions relating to parking spaces for handicapped persons. (BDR 43-1272)

Senator Beers, Clark County Senatorial District No. 6, said S.B. 269 was a constituent-requested bill. The constituent was 60-percent disabled and attended classes at the Community College of Southern Nevada (CCSN). As a disabled person, the woman had a placard issued by the Department of Motor Vehicles (DMV) which entitled her to park in a designated handicapped parking space.

Both the constituent and her husband were upset with the handicapped parking situation at CCSN. There were sufficient handicapped parking spaces, but the spaces appeared to be used by individuals who were not entitled to use them, specifically, able-bodied teenagers. Many times, these drivers had what appeared to be a DMV-issued handicapped license plate, placard, motorcycle sticker or expedited service permit. However, it was possible that some of these items had been purchased over the Internet.

Based on the constituent's story, Senator Beers drafted legislation which addressed the fraudulent use of the DMV-issued placards.

Senator Beers referred to page 4, lines 39 through 42 of the bill. In addition to the handicapped license plate, placard, motorcycle sticker or expedited service permit, the issuing agency would also issue a letter naming the disabled person who was entitled to park in a handicapped parking space. The letter had to be kept in the vehicle at all times. The letter would be one means of verifying a person's identity, as either a passenger or driver, and would assure an enforcement officer that the correct individual was using the placard.

For the Committee's benefit, the Senator reviewed S.B. 269 and how the bill would modify existing law. Senator Beers stated there were renumbering issues on page 5 of the bill which affected section 1.

Page 6 increased the fine from \$100 per violation to \$250 per violation. The fine increase worked in conjunction with another section.

Page 7, line 23, subsection 9, section 2, stated that a person with a disability needed to be a passenger in the vehicle when it was parked in a designated handicapped parking space. Line 34, subsection 9, section 2, addressed the same issue as line 23, subsection 9, section 2. Line 44, page 7, and lines 1 through 5, page 8 increased the fine per violation and was not to exceed \$1,000 plus community service.

Senator Beers noted parking enforcement officers or law enforcement officers were not interested in citing those individuals who violated the spirit of the handicapped placard. Section 3 of the bill addressed that problem. Many violators were not cited because the parking-enforcement officers or law-enforcement officers who issued the citations needed to take a day off from work to appear in court to defend the citation. Section 3 of the bill attempted to rectify that situation by allowing the citing authority to receive a portion of the fine.

Senator Beers said he had been approached by a person whose story impacted the bill. The person's grandmother had a DMV-issued handicapped parking placard which the person used when driving her grandmother. There were occasions when the person would stay in the car while the grandmother visited the doctor or went shopping. As written, S.B. 269 did not allow the person to

stay in her car while waiting for her grandmother. Senator Beers stated he was hoping to work with the legislative bill drafter on amending the bill's language or that the Committee might be able to provide a solution to the problem.

Vice Chair Heck told those present the improper use of a handicapped parking space was one of his pet peeves and he had been involved in verbal disputes with those individuals who illegally parked in a handicapped parking space.

Paul R. Martin, President, Nevadans for Equal Access, stated he opposed S.B. 269. He spoke from prepared text ([Exhibit C](#)) which explained his opposition.

Mr. Martin mentioned Assembly Bill (A.B.) 24 which dealt with removing some of the requirements for handicapped parking spaces.

[ASSEMBLY BILL 24](#): Revises provisions concerning parking spaces designated for the handicapped. (BDR 43-161)

Mr. Martin said it was important for the State to follow federal laws and regulations when modifying existing state laws.

Senator Beers said he would amend the bill with a provision stating a copy of the DMV letter would be as valid as the original letter. Chair Nolan said the Committee would use Senator Beer's suggestion regarding a copy of the DMV letter being as valid as the original letter as an amendment to the bill.

Robert A. Desruisseaux, Northern Nevada Center for Independent Living, said the problem of people illegally using handicapped parking spaces had been an issue in the disability community for a number of years. He said the term disability was a loose term. Mr. Desruisseaux stated he was talking about visual disabilities and that there were individuals who had mobility impairment or respiratory problems which were not readily apparent. These individuals met the statutory definition of disability even though they had hidden disabilities. The difficulty arose because such individuals appeared to be healthy and might encounter harassment within the disability community. These individuals might be questioned unnecessarily about their right to a handicapped parking placard. Mr. Desruisseaux said he was concerned about the effects that would have on the disability population.

He referred to section 5, which would permit a portion of the fines to be given to the law-enforcement agency which issued the citation. Mr. Desruisseaux said he had heard the enforcement of handicapped parking was not a high priority with law-enforcement agencies in northern Nevada. He commended Senator Beers for including the provision in the bill as it provided an incentive for the law-enforcement agencies to enforce the proper use of the handicapped parking by qualified individuals.

Mr. Desruisseaux said Nevada tended to use the minimum requirements of the Americans with Disabilities Act (ADA) as the ceiling rather than the floor. He said the Legislature should consider increasing the number of handicapped parking spaces at public locations if it was determined Nevada had a greater population of individuals with mobility-impairment problems or people who would benefit from using a handicapped parking placard.

Chair Nolan said he thought the provisions of S.B. 269 would be used in the most obvious situations when there was a need for handicapped parking, but it was being abused. In such a situation, the Senator said he hoped somebody would contact a law-enforcement agency.

Chair Nolan stated that Assemblyman Mark A. Manendo previously introduced legislation which allowed law-enforcement agencies to authorize certain volunteers to issue citations to those people illegally parked in a designated handicapped parking space. The Chair asked staff to determine whether the provisions of S.B. 269 would apply to those volunteers.

Chair Nolan told Mr. Desruisseaux his testimony would be taken into consideration and if there was something the Committee could do to provide protections to the disabled community, it would.

Senator Carlton said she was concerned about allowing volunteers to write the traffic citations for the illegal use of a designated handicapped parking space. She noted other agencies might write the traffic citations.

Patrick Guinan, Committee Policy Analyst, read from section 3, subsection 2 of the bill:

As used in this section, "officer of a law enforcement agency" means an officer of the county law enforcement agency or, if the

county is within the jurisdiction of a metropolitan police department, an officer of the metropolitan police department. The term includes volunteers appointed by the county law enforcement agency or metropolitan police department pursuant to Nevada Revised Statute 484.4085.

Mr. Guinan said the bill authorized those individuals volunteering under the name of a law-enforcement agency to issue the traffic citations. He noted that he was not a lawyer, but said he thought that provision allowed revenue generated by the volunteers to be sent to the appropriate law-enforcement agency.

Martha Barnes, Administrator, Central Services and Records Division, Department of Motor Vehicles, told the Committee the bill had a fiscal note for programming and supplies attached to it. The fiscal note was in the amount of \$19,256 in fiscal year (FY) 2006 and \$5,395 in FY 2007.

Senator Beers wanted to know on what the fiscal note was based. Ms. Barnes told the Senator that the DMV estimated there would be approximately 124,350 license plates, placards and stickers issued in FY 2006. That figure was used by the DMV to generate the fiscal note.

Senator Beers reminded the Committee the bill had an unintended consequence which needed to be dealt with. The unintended consequence occurred when a disabled person who had the DMV-issued placard was driven by another. Under the provisions of the bill, the driver of the car would not be permitted to stay in the car once the person to whom the placard had been issued left the car. The Chair told the Senator the amendment would take care of that problem.

Chair Nolan closed the hearing on S.B. 269 and opened the hearing on S.B. 273.

SENATE BILL 273: Makes various changes relating to parking by certain persons with disabilities. (BDR 43-253)

Senator Schneider introduced his intern, Riana Durrett, who would provide testimony on S.B. 273.

Ms. Durrett said the bill was similar in nature to S.B. 269 and would help prevent the fraudulent use of handicapped parking permits. She noted there were a number of college-aged people who improperly used such permits. For a while, it had been possible to obtain a non-DMV-issued handicapped parking permit over the Internet. Ms. Durrett added there was a problem with legitimate permits being stolen from vehicles and sold on the black market. Many individuals improperly used a DMV-issued handicapped parking permit which had been issued to a family member. Ms. Durrett said she knew many people at her school who improperly used DMV-issued handicapped parking permits. Ms. Durrett reiterated that the bill would prevent the fraudulent use of handicapped parking permits.

Senator Schneider added the bill was a constituent-requested bill. The constituent wanted the DMV-issued handicapped placards to be renewed more often than was currently being done. The placards were valuable on the black market. The Senator witnessed an abuse of the handicapped parking placard during the summer of 2004 when he took his son to work at one of the hotel-casinos in Las Vegas. Senator Schneider reiterated Ms. Durrett's testimony regarding the value of the placards on the black market and the fact vehicles were being broken into and the placards stolen.

Senator Heck stated there was a ten-year issuance period for some of the placards which the bill sought to remove. He asked why the issuance period was being reduced from ten years to two years. The Senator said he understood a reduced issuance period might eliminate some of the fraudulent use and pointed out the impact the change would have on a permanently disabled person. Ms. Durrett said it would help mitigate the circumstances under which the placards were stolen and sold on the black market. The value of the placards would diminish with a shorter issuance period.

Senator Carlton noted S.B. 273 did not contain a fining mechanism for those individuals who illegally parked in a designated handicapped parking space. She said that was a big difference between S.B. 269 and S.B. 273.

Senator Schneider said he would let the Committee decide which fines would be imposed under his bill. Chair Nolan asked the Senator whether he would object if the two measures were amended into one bill. The Chair stated that he had not yet asked Senator Beers the same question. Both Senators would have their

names on the amended bill as the primary sponsor. Chair Nolan said both bills were attempting to solve the same problem.

Chair Nolan stated the issue raised by Senator Heck was a concern and wanted to hear additional testimony on it. The Chair said the Committee should identify the long-term, chronic medical conditions versus temporary medical conditions. The Committee would then amend the bill to accommodate long-term, chronic medical conditions. He asked Senator Schneider whether such an amendment would be acceptable to him. The Senator replied, "It is, Mr. Chairman," adding that he did not want to pass a bill which would adversely impact the handicapped community. He wanted to help those individuals.

Mr. Desruisseaux reiterated his previous testimony on S.B. 269 as it applied to S.B. 273. He told the Committee he was concerned about removing the ten-year issuance period and he used his placard only when necessary. Mr. Desruisseaux stated that he tried to leave the designated handicapped parking spaces for those individuals who were not wheelchair bound, but still needed a handicapped parking space.

Mr. Desruisseaux said prior to the ten-year issuance period being enacted, he experienced frustrations over the renewal process. Every two years, he had to take time off from work in order to get the necessary paperwork from the DMV, take the paperwork to his doctor and then return the completed paperwork to the DMV. Not only did Mr. Desruisseaux lose time from work, he was also charged for the doctor's visit. He added the process made him feel as though his wallet would be drained just for the privilege of using a handicapped parking permit.

Mr. Desruisseaux said he found the ten-year issuance period to be helpful. He added he thought the DMV had on record the fact he was permanently disabled. Mr. Desruisseaux asked if the ten-year issuance period were removed from the NRS, would the record of his permanent disability be stricken from the DMV's system as well. Mr. Desruisseaux stated if the DMV were allowed to retain the record of his permanent disability, it would still be easy for him to renew his placard every two years.

Senator Schneider suggested the DMV modify the driver's license system to allow a new handicapped placard be mailed to a disabled individual when he or she renewed his or her driver's license. The Senator reiterated the process

should be easy as he did not want to adversely impact the disabled community in Nevada. Senator Schneider added that he did not want to make a vehicle belonging to a disabled individual a target and did not want the placards sold on the black market.

Chair Nolan said the bill would be amended. Before amending the bill, the Committee would verify with Senator Beers that the proposed amendments were acceptable to him. The Chair noted that once a bill had been amended, it would be possible to further amend a bill on the floor of the Senate. Chair Nolan suggested the following amendments: merging S.B. 269 and S.B. 273 into one bill; co-sponsor the bills by title; permit a copy of the letter of notification to be as valid as the original letter and retain the ten-year issuance period for handicapped parking permits.

Chair Nolan told those present that both a short-term parking permit and a long-term parking permit were defined in statute. Mr. Desruisseaux said he thought Senator Schneider wanted to decrease the value of the handicapped parking permits on the black market by decreasing the length of time in which the permit was valid. Mr. Desruisseaux was concerned about preserving a person's medical information, on file with the DMV, once a long-term handicapped parking permit expired. Retaining the information would make the renewal process easier for a person when it came time to renew his or her handicapped parking permit.

Chair Nolan said the Committee would determine the fiscal note associated with Mr. Desruisseaux's suggestion for the DMV to retain a person's medical information in order to make the renewal process easier. The Chair said that he thought the initial expense would be keying the information into the DMV's system and that it would be more expensive to remove it from the DMV's system.

Ms. Barnes said the fiscal note for S.B. 273 was unsolicited and had not yet been delivered to the Legislative Counsel Bureau (LCB). She told the Committee the DMV had prepared the fiscal note with the assumption the DMV would be able to pass along the cost of the card to its customers. Based on the DMV's assumption, the initial cost for the programming would be \$23,670 in FY 2006. If the cost of the cards were passed back to the DMV's customers, there would be no additional costs incurred in the future.

Vice Chair Heck wanted to know what the cost would be to the DMV if the costs of the cards were not passed to the DMV's customers. He noted the cost of producing the letter was not going to be passed on to the DMV's customers and did not want the costs of the cards passed on to the DMV's customer. The Vice Chair wanted to know which bill would be cheaper to implement.

Ms. Barnes replied, "The last bill." She stated if it was the Committee's intent not to pass on the costs of the cards to the DMV's customers, the fiscal note on the bill for FY 2006 would be \$303,458 for programming and supplies. In FY 2007, the amount would be \$287,903. Vice Chair Heck said it looked as though the Committee would select the letter option versus the card option.

Chair Nolan said that by creating another card, another form of duplication was also created. He stated the letter suggested by Senator Beers would include an expiration date and the letter option sounded as though it would be the least expensive option for the Committee to consider. The Chair asked the Committee whether the letter would be acceptable.

Senator Schneider asked whether or not it would be possible to issue renewal stickers for the handicapped parking permits instead of issuing new handicapped parking permits. He said he did not want to make the renewal process complicated and thought a renewal sticker would be inexpensive to produce.

Ms. Barnes told the Committee the DMV could look into any option suggested by the Committee. She said her testimony was based on the bills as currently written.

Chair Nolan asked staff to produce a mock-up amendment which combined S.B. 269 and S.B. 273. The part of the amendment detailing whether a letter, card or sticker would be used would be left blank. The fiscal notes would be compared and the Committee would process the amended bill. Senator Schneider said he thought Senator Beers would be agreeable to the amendment and would work with a representative from the handicapped community to ensure the process did not become complicated.

Chair Nolan closed the hearing on S.B. 273 and opened the hearing on S.B. 161.

[SENATE BILL 161](#): Creates Nevada War on Terrorism Medal. (BDR 36-705)

Senator Bob Coffin, Clark County Senatorial District No. 10, said S.B. 161 would help reward Nevada's men and women serving in the Nevada National Guard (Guard) and Reserves. The bill would give those individuals recognition for their hard work on behalf of Nevada in the war on terrorism. All individuals serving in the Guard and Reserves were volunteers.

Senator Coffin said while all citizens had a duty to help the United States in time of need, many people did not know how to help their country. However, the people serving in the Guard and Reserve knew how to help their country. Senator Coffin noted that many of the people serving in the Guard put their lives and livelihoods in danger by serving in the Guard.

The medal proposed by Senator Coffin would be an official State of Nevada medal honoring the members of Nevada's Guard and Reserves for their contributions to the war on terrorism. The medal would be the first for the State. The Guard had a number of military medals which it awarded in the past. There were restrictions on how those medals were awarded. Senator Coffin said the medal would be the start of Nevada's citizens saying thank you to the Guard and Reserve members with more than words.

The Senator said he hoped the medal could be struck by the Carson City Mint's Coin Press No. 1 located in the Nevada State Museum in Carson City. He said the mint was capable of producing a one-ounce silver coin which could be converted to a medal. While the mint had never been used to produce medals, it had been used to produce tokens. Senator Coffin said the Guard had the authority to decide where the medal would be produced and by whom.

Senator Coffin said he thought most of the bill's provisions were easy to understand, but other provisions required amendment. He apologized for not having the amendments ready for the Committee's review.

The amendments would clarify who was eligible to receive the medal. It would be awarded to those Guardsmen and Reservists who had been mobilized since the tragedy of September 11, 2001 (9/11). A person could have been mobilized more than once. Senator Coffin said it was estimated that as many as 3,000 Guardsmen out of 3,200 had been called up to active duty.

Senator Coffin noted there were people in the audience who were family members of Nevada's Guardsmen and said they honored the Legislature with their presence.

Senator Coffin said the bill was self-explanatory and he did not want the bill to become restrictive. The Senator referred to section 1, subsection 2, paragraph (c), which read: "... Is awarded a Global War on Terrorism Expeditionary Medal or Global War on Terrorism Service Medal pursuant to Executive Order 13289, 68 F.R. 12567." The Senator said he did not want the awarding of the medal to be determined solely by executive order, which recognized only those people who were called to duty by executive order, as there were Guardsmen and Reservists who volunteered for service. Senator Coffin said he wanted to recognize all members of the Guard equally. If there were difficulties in the construction of the medal, the Senator would allow the Guard to carry out the design of the medal.

Senator Coffin said the price of creating the medals was a consideration and the bill would be reviewed by the Senate Committee on Finance if the Committee decided to process it. The cost of producing the medal would range from \$15 to \$23 depending on the materials used.

Cindy N. Kirkland, Colonel, Chief of the Joint Force Headquarters (Army and Air Guard), Office of the Military, said she was appearing on behalf of General Giles Vanderhoof, who sent his apologies for not being able to be present at the hearing.

Colonel Kirkland thanked the Legislature for its interest in recognizing and taking care of Nevada's soldiers, airmen, sailors, Marines and United States Coast Guardsmen. She added an important part of the Guard's existence and tradition rested on the fact that the Guardsmen were citizen-soldiers who were part of their communities. Colonel Kirkland said it meant a tremendous amount to the Guardsmen when their communities recognized their efforts.

She explained the ribbon display she wore on her left chest and how the proposed medal would be integrated into the ribbon display. The ribbon display was a combination of federal- and state-issued awards. The state-issued awards were created by the Guard and presented to its members. The medal proposed by S.B. 161 would be unique in that it was not an award from the Guard to its members, but rather an award from the State of Nevada to the Guard members.

The medal would be one which the State deemed significant and important in recognizing the efforts of the Guards' members on behalf of the citizens of Nevada and the United States. Colonel Kirkland said the Guard appreciated the uniqueness and special significance of the medal.

The Colonel told the Committee that many of the Guardsmen did not live in Nevada, which meant they would not be eligible to receive a medal under section 1, subsection 1 of the bill. She said she would like to see the issue addressed as many of Nevada's Guardsmen lived in the bordering communities of Utah, California, Arizona, Idaho and Oregon with their military service dedicated to Nevada. These individuals had been called upon by the Guard and activated during homeland security missions and state emergencies during the past three and half years. These nonresident Guardsmen belong to the State as much as any Nevada resident who belonged to the Guard.

Colonel Kirkland wanted the bill to recognize those nonresident Guardsmen as much as it recognized the resident Guardsmen. Additionally, she wanted those Guardsmen who volunteered and were not called up to be recognized by the bill and be eligible to receive the medal. She explained that the volunteers were not on federalized active-duty status, but still contributed to the war on terrorism.

Colonel Kirkland said the Guard wanted an opportunity to recognize all Guardsmen, whether they were resident, nonresident, volunteers or called-to-duty members. The Colonel said she would work with Senator Coffin and provide the Committee with an amendment containing the appropriate language which would permit all Guardsmen to receive the medal.

Colonel Kirkland thanked the Committee for its efforts in bringing recognition to the efforts of Nevada's soldiers and airmen.

Senator Coffin said the future call of the Guard would always be uncertain. The Guard estimated that 500 members per year would be called to duty. However, the number was uncertain as the United States was not the initiator of the violence in the Middle East. The Senator said it was estimated there would be 1,275 to 1,500 Reservists eligible to receive the medal in addition to the Guard members. The recipient list was unique and was the reason the medal would be awarded from the State to the Guardsmen and Reservists. Senator Coffin noted every branch of the military served in the Reserves.

Chair Nolan said the bill, as written, allowed any person called to duty on the war on terrorism to receive a medal. He said he thought that standard might be subjective. He added the Committee might want to review that standard. The Chair added that during times of emergencies or war, Reservists were employed in duties ranging from frontline battles to guarding airports. He wanted to know whether a duty station made any difference in whether or not a Guardsman or Reservist received a medal. The Chair stated that he considered the medal to be a prestigious award given by Nevada on behalf of its citizens regardless of the recipient's duty station. He said he thought there should be a threshold and only those individuals whose duty stations play a substantive part in defending the United States should receive the medal.

Colonel Kirkland said she and Senator Coffin discussed those issues. Both felt many of the Guardsmen and Reservists made significant contributions to the global war on terrorism by their missions and assignments, locally, nationally and internationally. An individual Guardsman had many different duty statuses under which he or she could be mobilized. After 9/11, the primary mobilization method had been the Presidential Selective Reserve Call-Up, which was an involuntary mobilization and which limited the amount of time an individual served. The Guard found there were individuals who had been mobilized several times and exhausted the two years of service contained in the Presidential Selective Reserve Call-Up. These individuals then volunteered to remain on active duty or return to a mobilized status to continue their service to the United States. The Guard also had Guardsmen who volunteered in Nevada to perform security enhancements or work with local law-enforcement agencies. Such volunteer work ensured the people of Nevada were protected.

Vice Chair Heck told those present that revising the criteria in section 1, subsection 2 would catch most of the individuals who would qualify for the medal. He said he understood the Guard was attempting to identify those individuals in Title 32 status or state-active duty status. The Vice Chair said language could be easily added to the bill if the Guard used the same criteria to award Nevada's medal as was used to award the Global War on Terrorism Expeditionary Medal or Global War on Terrorism Service Medal.

Vice Chair Heck said the issue was with those Guard members who gave up their time, livelihoods and families to serve at home in either state status or Title 32 status. Thus, the Guard could use the same criteria for Nevada's medal as was used when awarding either the Global War on Terrorism Expeditionary

Medal or Global War on Terrorism Service Medal but extend it to include state status or Title 32 status.

Senator Coffin noted there were two bills which addressed the awarding of medals to Nevada's Guardsmen. The other bill, S.B. 355, was currently in the Senate Committee on Finance and would have a huge fiscal impact on the State.

SENATE BILL 355: Provides for bonus to be paid to certain members of Nevada National Guard and Reserves called to active duty to combat terrorism. (BDR 36-704)

Senator Coffin stated the language in S.B. 355 might provide the Committee with some of the desirability for the exclusivity of certain awards. The bill provided a cash bonus to Nevada's Guardsmen and Reservists for their contributions to the war on terrorism.

Senator Coffin explained the medal would not be awarded for valor. It would be a medal awarded for service to one's country and was to be distinguished from those medals awarded for valor or risk. The Senator said the sacrifice made by a Guardsman or Reservist was significant even when the individual did not leave Nevada. The Guardsmen and Reservists left their jobs and families to protect Nevada's citizens. All Guardsmen and Reservists made equal sacrifices, even those who did not see battle.

For the Committee's benefit, Senator Coffin reviewed S.B. 355 and the cash bonuses to be paid to Nevada's Guardsmen and Reservists. Senator Coffin distributed a handout for the Committee's review (Exhibit D), which detailed the Guard's services to Nevada.

Chair Nolan thanked Senator Coffin for his explanation and said he had a better understanding of the intent of S.B. 161. He stated as Vice Chair Heck understood how the military awarded such medals and the criteria for the awarding, he directed the Vice Chair to work with Senator Coffin and Colonel Kirkland on the bill's amendments. He told them to have the amendments as quickly as possible in order for the Committee to process the bill.

Chair Nolan closed the hearing on S.B. 161 and opened the hearing on S.B. 215.

SENATE BILL 215: Provides for issuance of special license plates for support of protection and enrichment of natural environment of Red Rock Canyon. (BDR 43-1285)

Senator Dina Titus, Clark County Senatorial District No. 7, distributed a handout published by the Friends of Red Rock ([Exhibit E](#)) and read from prepared text ([Exhibit F](#)). At the conclusion of her presentation, Senator Titus asked the Committee to support the bill. Senator Titus also encouraged those present to visit the Web site of the Friends of Red Rock Canyon at <http://friendsofredrockcanyon.org/>.

Chair Nolan told the Senator the Committee was faced with a dilemma when authorizing the issuance of additional specialized license plates. He explained that during the 72nd Legislative Session, the Commission on Specialized License Plates (Commission) had been created. The Commission reviewed and approved all special license plates issued by the DMV for the purpose of limiting the number of special license plates in circulation.

At that time, a limit of 25 special license-plate designs had been imposed and reached. Until such time as a special license-plate design expired, the Commission could not consider another design. This meant people such as Senator Titus would have to resubmit her request for the Red Rock Canyon license plate sometime in the future. Chair Nolan stated that he was looking at alternative means by which to approve future license plate designs. The Chair told Senator Titus that he would accept her testimony on S.B. 215 and determine whether it was a measure the Committee could process.

Senator Titus thanked the Committee for its consideration and said she hoped the commission would accept the design of the Red Rock Canyon license plate. She felt the design to be one of the more meritorious license-plate designs in Nevada. She suggested the Committee start a list of pending license-plate designs so that as one license-plate design came off of the Commission's list, another could take its place. By doing so, the Red Rock Canyon license plate would be in the rotation for consideration by the Commission.

Chair Nolan said Senator Titus's suggestion was excellent and directed staff to take it into consideration when the Committee addressed the issue.

Pat Williams, President, Friends of Red Rock Canyon, spoke from prepared text ([Exhibit G](#)).

Chair Nolan asked whether Ms. Williams heard his earlier comments regarding the limit on the number of special license-plate designs which could be issued. She said she had heard the Chair's comments. She added the Friends of Red Rock Canyon had collected a number of signatures in support of S.B. 215. The Chair thanked Ms. Williams for her efforts and testimony.

Joe L. Johnson, Toiyabe Chapter Sierra Club, said he supported S.B. 215.

Kaitlin Backlund, Nevada Conservation League, said she supported S.B. 215.

Chair Nolan told the Committee he intended to find a vehicle by which the Committee could help the Commission create a revolving list of license plates which could appear before the Commission and find a way for the Commission to meet on a regular basis to review the merits of bills such as S.B. 215 and review those license-plate designs currently in circulation. The Commission had not met as there were no open slots for new license-plate designs to be approved.

Senator Carlton said she wholeheartedly agreed with the Chair's comments. She noted that she was not a supporter of the Commission. The Senator suggested evaluating the sales of the specialized license plates to see how they were selling. Senator Carlton stated she saw the Red Rock Canyon license plate being as successful as the Lake Tahoe license plate. She noted the proceeds from the sale of the plate would go to a good cause.

The Senator reiterated her support of the Red Rock Canyon license plates. Senator Carlton said the number of specialized license-plate designs might need to be increased and she would support increasing the number of specialized license-plate designs which the Commission could approve.

Chair Nolan said he would like to find a reasonable solution to the problem and have the Commission function as intended by reviewing all specialized license-plate designs. The Chair said the Committee would hold onto S.B. 215 and see whether or not there was a way the Commission could be made operational and review the Red Rock Canyon license plate. If there was no way the Commission could review the plate, the Committee would process S.B. 215.

Chair Nolan closed the hearing on S.B. 215 and opened the hearing on S.B. 290.

SENATE BILL 290: Removes limitation on issuance of special license plates commemorating 100th anniversary of founding of Las Vegas. (BDR 43-223)

Senator Coffin said he sponsored the legislation which created the license plates commemorating the 100th anniversary of the founding of Las Vegas. He now sponsored legislation to remove the sunset provision in the original legislation. He noted the Las Vegas license-plate design was successful. The proceeds from the sale of the license plates went to preservation efforts in Las Vegas.

Senator Coffin explained the bill removed the sunset provision and any mention of the commemoration of Las Vegas's 100th anniversary, while channeling the proceeds towards preservation efforts. The additional revenue would permit the Las Vegas Centennial staff to acquire historically designated properties in Las Vegas and preserve them.

Senator Coffin said the success of the Las Vegas license plate was second only to the Lake Tahoe license plate in its ability to raise funds. As of September 30, 2004, the proceeds from sales of the plate exceeded \$1 million and there were 32,000 active license plates in use by Nevada's motorists. He noted there were 18,000 active Lake Tahoe license plates in circulation and the revenue generated through the sale of the Lake plate exceeded \$2.5 million to date.

Stacy Allsbrook, Executive Director, Las Vegas Centennial Committee (LVCC), said she supported S.B. 290. She stated the license plate was the foundation of the LVCC's success. Ms. Allsbrook urged the Committee to support the bill.

Robert A. Ostrovsky, City of Las Vegas, told the Committee when the license plate was originally approved nobody had any idea of how popular it would be in Las Vegas. The original idea had been to issue the plate in order to raise funds for Las Vegas's centennial celebration. If S.B. 290 passed, the revenue would be used to fund historical markers, tours of historic sites and improvements to restoration of historic buildings and structures.

Mr. Ostrovsky said Nevada had a dire need to fund the activities listed in the bill statewide. He noted the budget process did not leave much money for historic preservation or historic markers. The money raised by the Las Vegas license plate would be put to good use by the City of Las Vegas in its preservation efforts.

Mr. Ostrovsky said the bill differed from S.B. 215 as it was an existing plate currently in circulation. The plate was not on the list of license plates which required processing by the Commission. Due to the plate's limited-circulation period, it had not been placed on the list of license plates which required processing by the Commission. He added the University of Nevada, Reno and the University of Nevada, Las Vegas license plates also had not required processing by the Commission.

Mr. Ostrovsky urged the Committee to pass S.B. 290 for the betterment of the community. He noted people seemed to love the plate and its popularity was unforeseen. Mr. Ostrovsky thanked Senator Coffin for his role in producing the license plate and his interest in Nevada's history

Senator Carlton said she had a Las Vegas license plate. She stated that she had a difficult time supporting the original legislation, but supported the Las Vegas license plate because it did have the time certain on it which gave her a level of comfort. She noted the license plate helped the City of Las Vegas fund its birthday party.

Senator Carlton said she was concerned about open-ending the life of the license plate. She asked whether or not there had been discussion about extending the life of the license plate for another two years, then bringing the issue back before the Legislature for additional discussion. The Senator reminded those present that the license plate was outside the purview of the Commission.

Mr. Ostrovsky stated there had not been additional discussion regarding a finite period of existence for the Las Vegas license plate. The reason for this being the LVCC members wanted the Las Vegas license plate to be treated the same as the Lake Tahoe license plate and other license plates which had a continuing attraction to the public. He noted there would have been no need for S.B. 290 if the Las Vegas license plate had been unsuccessful.

Mr. Ostrovsky said the demand for the license plates was present as was the need to provide services to the community. The LVCC members thought extending the life of the license plate would be the perfect way to meet both the demand and the need. He added that he understood the Senator's concern in that the original legislation appeared to be morphing into another creature altogether.

Chair Nolan noted the Committee would not take action on S.B. 290 until Senator Washington was present. He added Senator Carlton's points were salient especially since the Committee recently discussed the Commission and the number of special license plates which that body was able to process at one time. The Chair suggested that issues such as extending the sunset provision on a license-plate design might be more properly addressed by the Commission instead of by the Legislature. He noted the Committee's duties had been expanded and the Committee did not always have time to discuss such things as license plates and their designs.

Chair Nolan directed staff to contact the appropriate staff person at the DMV. The contact would be made to determine whether or not the Commission could be made more functional before the Committee processed any license-plate bills. He also directed the Committee members to share any concerns or issues they might have regarding special license plates with either Committee staff or him.

The Chair closed the hearing on S.B. 290 and opened the hearing on S.B. 470.

SENATE BILL 470: Provides for regulation of pedestrian traffic in airports.
(BDR 44-1340)

Chair Nolan said he sponsored S.B. 470 based on his own observations and background in risk management for public transportation. He made his observations when traveling through the airports in Las Vegas and Reno.

The Chair explained in airline terminals when there were a number of people waiting for their flights, the lines were such that they were not organized. People often lined up in any fashion, crossing the major thoroughfares and impeding the progress of other people or vehicles. Chair Nolan said he had seen the vehicles used to move both people and luggage run over people as the vehicles had no place to go due to the impromptu lines.

The bill asked the local airport authorities to create a way that pedestrian traffic, emergency crews and airport employees who operated vehicles had a means to move through the airport unimpeded. The Chair noted the local airport authorities had not undertaken that task themselves.

Senator Carlton said when standing in the airport, she had the same thought as the Chair. The Senator suggested having painted footprints on the airport floors which would provide direction to travelers and eliminate some of the confusion created by the impromptu lines. She suggested the problem could be solved if the airports were willing to provide some type of direction to travelers. The Senator said there were resources which the airports could use to provide the appropriate markings and which would make it friendlier to the people who used the airports.

Chair Nolan thanked Senator Carlton for her support. The Chair read from section 1, subsection 1, paragraph (a) of the bill, "The State shall ensure that airport pedestrian traffic remains unimpeded by persons forming lines at boarding gates." He suggested amending the bill using language along the lines of "...pedestrian traffic moving in either direction as well as enough room for mechanized vehicles, if they are used in that terminal, be permitted."

SENATOR CARLTON MOVED TO AMEND AND DO PASS S.B. 470 USING THE AMENDED LANGUAGE SUGGESTED BY CHAIR NOLAN.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

Chair Nolan closed the hearing on S.B. 470 and opened the hearing on S.B. 471.

SENATE BILL 471: Authorizes emergency lights to be mounted and displayed on certain privately owned vehicles under certain circumstances. (BDR 43-1339)

Chair Nolan noted the bill had been requested by a constituent of the majority leader. The Chair said he did not have a feeling either for or against the bill. He

discussed the bill with its proponent who was a volunteer firefighter. The gentleman was not present at the hearing. The Chair explained the bill's proponent recently moved to Nevada from the East Coast. The proponent served as a volunteer firefighter in both locations. On the East Coast, volunteer fire fighters used emergency signals on their private vehicles. The emergency signals allowed volunteer firefighters to arrive at an emergency scene quickly and meet up with other emergency crews. The gentleman did not understand why Nevada did not have a similar provision for its volunteer firefighters.

William Bainter, Lieutenant, Nevada Highway Patrol (NHP), Department of Public Safety, said while the NHP appreciated the volunteer firefighters, it opposed S.B. 471. He read from prepared text which detailed the NHP's opposition ([Exhibit H](#)).

Frank Adams, Nevada Sheriffs' and Chiefs' Association (NSCA), said the NSCA had grave concerns with the bill. He stated the volunteer firefighters provided a great service to the State.

Mr. Adams said he was concerned with section 1, subsection 3, paragraph (a) of the bill which read, "... When responding to an emergency." He explained people would not pull over for an unmarked private vehicle even when equipped with the appropriate emergency lights. He based his explanation on his own experiences as a law-enforcement officer who drove an unmarked vehicle.

Mr. Adams listed the NSCA's other concerns with the bill including the lack of training for those volunteer firefighters who would be using emergency lights, the mechanical condition of the vehicles which would be used by the volunteer fire fighters and the lack of a siren. Mr. Adams explained police cars and fire trucks were designed to move at high rates of speed using emergency lights and sirens.

Mr. Adams noted there was a liability issue connected to the bill. The cities and counties in Nevada had deep pockets and any liability issues would be directed to them.

Vice Chair Heck complimented both Lieutenant Bainter and Mr. Adams on their presentations to the Committee. He said they brought up the issues he was going to mention. The Vice Chair told those present he had been a volunteer

firefighter on the East Coast and understood the genesis of the bill. On the East Coast, the volunteer firefighters used a blue light.

Vice Chair Heck said the bill made no provision for an audible signal and he was concerned that a volunteer firefighter would not have to use a siren when he or she used an emergency light on a private vehicle. Additionally, the bill was inconsistent with the provisions of the NRS 484.787.

VICE CHAIR HECK MOVED TO INDEFINITELY POSTPONE S.B. 471.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

Chair Nolan closed the hearing on S.B. 471 and opened the hearing on S.B. 472.

SENATE BILL 472: Revises provisions concerning penalties for failure to secure child in approved child restraint system. (BDR 43-1338)

The Chair said the bill provided clean-up language for S.B. No. 116 of the 72nd Session and had been requested by the Nevada's Child Passenger Safety Task Force (Task Force).

Traci (Filippi) Pearl, Highway Safety Representative, Office of Traffic Safety, Department of Public Safety, read from prepared testimony ([Exhibit I](#)).

Senator Carlton said she considered the bill to be a major change to existing law, not a clean-up. She remembered discussions she and Chair Nolan had regarding S.B. No. 116 of the 72nd Session.

During those discussions, the Senator expressed her concerns with parents being fined or having to pay for the cost of the class. One reason the original legislation permitted reducing a fine had been to encourage parents to take the required class.

Senator Carlton reviewed the minutes from the hearings on S.B. No. 116 of the 72nd Session. During those hearings, the Committee's discussions focused on education, not punishment. The Committee wanted to make sure the children of Nevada were protected while riding in motor vehicles.

Parents who were cited by law-enforcement officers for failure to use the appropriate car seat were required to attend a training class. The Senator said she understood the charge for the class and had no objection to it. She added if there was a charge for the class, then a parent should not be fined when he or she was able to show the courts proof of attendance at and completion of the class.

Robert Mills, Deputy Director, Court Services, Office of Courts Administrator, Nevada Supreme Court, said he opposed the bill and read from prepared text which explained his opposition ([Exhibit J](#)). Mr. Mills' prepared text also contained a proposed amendment to S.B. 472.

Chair Nolan asked Ms. Pearl to explain the makeup of the Task Force and the process which the Task Force used to determine the components of S.B. 472. Ms. Pearl said she served as staff for the Task Force which had 12 members. The membership was composed of representatives from health organizations, nonprofit organizations whose client base was child-oriented, nationally certified child-passenger-safety technicians and instructors, law enforcement and other injury-prevention specialists.

Ms. Pearl said the classes began on June 1, 2004. During the 10 months of classes, expenses in the amount of \$16,200 for facilities, printing, copying, security and car seats had been incurred. The car seats had been purchased by Ms. Pearl's office using federal funds. However, Ms. Pearl had been informed that the U.S. Department of Transportation's future budget would eliminate all federal monies for child-passenger-safety funding. The money was expended to maintain the program and not to realize a profit.

Ms. Pearl said she understood Senator Carlton's concerns as she had attended the hearings on S.B. No. 116 of the 72nd Session. However, there were costs associated with providing the class. She added that 90 percent of the class providers were nonprofit agencies.

Vice Chair Heck referred to section 1, subsection 2, paragraph (a), of S.B. 472 which read:

... In addition to any other penalty imposed by law, order the defendant to complete a program of training conducted by a person or agency approved by the Department of Public Safety in the installation and use of child restraint systems, except that the court shall waive the requirements of this paragraph if such a program of training is not offered at a location within 60 miles of the defendant's residence ...

The Vice Chair said the bill was good public policy which was not defined by geography. He wanted to know why the exception was in the bill.

Ms. Pearl said the language had been borrowed from the NRS 484.3797 as was the original language which allowed the judges to establish the fee. The language had been borrowed as the Task Force was not familiar with judicial language. The Task Force worked with LCB staff who suggested using the language.

The Vice Chair said his question was why an exception was being made, not why the exception was worded the way it was. Ms. Pearl said there had been some out-of-state individuals referred to the program who by statute had to attend the program in Nevada. Judges could refer those to a program in their home state.

Vice Chair Heck said the exception should be for nonresidents and the bill should state that fact. Ms. Pearl said that would not be a problem.

Regarding the nonresident provision, Senator Carlton said there were a number of people living in southern Nevada who had not obtained either a Nevada driver's license or vehicle registration. She said she did not want to see unintended consequences arise from citing a Nevada resident as a nonresident due to a failure to be properly licensed as required by law.

Senator Horsford said he supported the Vice Chair's comments regarding the nonresident issue. He added when the Legislature passed laws, it needed to ensure the proper resources and services were provided to meet the laws. The

Senator added children needed to be safe throughout all of Nevada, not only in the urban communities.

Chair Nolan said Vice Chair Heck's comments would be used for an amendment. He asked Ms. Pearl whether the Task Force received a discount on the car seats it purchased. Ms. Pearl said the car seats were bought directly from the manufacturers under contracts let by the Purchasing Division, Department of Administration, and the average cost was \$35 per seat.

Chair Nolan noted not all offenders were so destitute that they were not able to afford a car seat. In response to a question from the Chair, Ms. Pearl said she was not sure how many parents failed to provide a car seat when taking the class. She did know that approximately 25 percent of all car seats brought to the classes needed to be replaced. Ms. Pearl said the Task Force spent \$4,700 on car seats in the past 2 months.

Chair Nolan said with respect to the seats, he was looking at assessing those individuals who received a car seat from the Task Force at a class, the cost of the car seat. All participants in the class would be notified that if they failed to show up at class with a car seat or brought an improper car seat to class, they would be charged for the new car seat which would be provided to them by the Task Force.

Erin Breen, Director, Safe Community Partnership, said her office provided some of the Task Force child-safety-seat classes. She stated that even though she had worked for the Safe Community Partnership for the past nine years, she was not qualified to teach the class. She employed a person who taught the class; her other staff members answered telephone calls and enrolled people in the class. She noted the enrollment process was labor-intensive. Ms. Breen needed to be able to pay the instructor and urged the Committee's support of the bill.

Senator Carlton said the intent of both S.B. 472 and S.B. No. 116 of the 72nd Session was to ensure child passengers in vehicles rode in car seats and that parents understood the need of replacing the car seats as the children grew. She suggested that when a parent was cited for failure to provide the proper car seat for a child, the parent would have to attend the class. The parent would pay for the class, but the fine imposed by the traffic citation would either be waived or reduced by a judge when the parent showed proof of

class attendance. If the parent attended the class, but failed to provide a car seat, a car seat would be sold to them. Senator Carlton said her suggestion would apply only to first-time offenders. Those parents who were second-time offenders would not be permitted to take the class and would have to pay the entire fine.

Chair Nolan said he liked Senator Carlton's suggestion and supported the idea it would apply only to first-time offenders. Ms. Pearl said she thought the Task Force would support Senator Carlton's suggestion. She added that she was concerned about the courts' position on it.

Mr. Mills said the courts would be willing to dismiss a ticket if a parent attended the class and showed proof of attendance at the class. He stressed that option would apply only to first-time offenders.

Ms. Breen said she was fine with Senator Carlton's suggestion and added it appeared to be a workable solution.

Chair Nolan said there were two proposed amendments to the bill submitted by Mr. Mills ([Exhibit J](#)). The first was a consensus amendment. The second was a proposed amendment to strike the language on page 2 of the bill, lines 10 through 12, so the bill's provisions would apply equally to all offenders regardless of where they resided. The Committee would work harder to make sure the classes were available in the rural areas of Nevada.

Ms. Pearl told the Committee the classes were given in every county in Nevada, with the exception of Douglas County.

Regarding her suggestion to waive or reduce the fine, Senator Carlton said she did not intend for first-time offenders to be fined. She stated those individuals who committed the offense a second time would not have their fines reduced or waived.

Chair Nolan asked whether there might be a circumstance under which a judge would not want to reduce or waive the fine for a first-time offender. Mr. Mills said there would be times when a judge could reduce or waive the fine based upon mitigating circumstances which might have contributed to the offense.

The Chair said the Committee could use Senator Carlton's suggestion plus permit the judge the discretion to waive or reduce a fine. Senator Carlton said that option did not make her as comfortable as having the fine waived entirely for first-time offenders. She noted that one traffic ticket could be issued for multiple offenses. Based on her own experiences, she knew that the judges did not reduce fines in the same fashion, which is why she wanted explicit language in the bill waiving the fine for first-time offenders if they showed proof of attendance at the class. The Senator added the bill's intent was to have children ride in safety seats, not to penalize the parents.

Senator Carlton told the Committee she would support the bill even if the judges were given the option of reducing fines for first-time offenders in addition to waiving the fines.

Chair Nolan explained the courts were always looking for latitude when considering mitigating circumstances and language permitting such latitude would be included in the amendment. He said he wanted the amendment brought back to the Committee for its review before the bill went to the Senate floor. The amendment would reflect the Committee's discussion on the matter in addition to the language provided by Mr. Mills.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS S.B. 472.
THE AMENDMENT WOULD BE REVIEWED BY THE COMMITTEE PRIOR
TO TRANSMITTING THE BILL TO THE SENATE FLOOR.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Nolan closed the hearing on S.B. 472 and opened the subcommittee report on S.B. 219.

SENATE BILL 219: Requires Department of Transportation to establish regional advisory committee in certain cities and prohibits local authorities from issuing permits to operate certain oversized vehicles on highways in this State. (BDR 43-642)

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Vice Chair Heck explained the subcommittee's consideration of the bill. He noted a consensus amendment had been presented to the subcommittee ([Exhibit K](#)). The subcommittee's report and recommendations were contained in [Exhibit K](#). The recommendations included the proposed amendments.

VICE CHAIR HECK MOVED TO AMEND AND DO PASS S.B. 219.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security adjourned at 3:53 p.m.

RESPECTFULLY SUBMITTED:

Lee-Ann Keever,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____