NEVADA STATE LEGISLATURE’S
COMMISSION ON SPECIAL LICENSE PLATES
(Nevada Revised Statutes 482.367004)

SUMMARY MINUTES AND ACTION REPORT

The second meeting of the Nevada State Legislature’s Commission on Special License Plates was held on Thursday, October 19, 2006, at 9:30 a.m. in Room 4401 of the Grant Sawyer State Office Building in Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building in Carson City, Nevada. A copy of this set of “Summary Minutes and Action Report,” including the “Meeting Notice and Agenda” (Exhibit A) and other substantive exhibits, is available on the Nevada Legislature’s website at www.leg.state.nv.us/73rd/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau’s Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMISSION MEMBERS PRESENT IN LAS VEGAS:

    Senator Dennis Nolan, Chairman
    Assemblyman John Oceguera, Vice Chairman
    Senator Maggie Carlton
    Assemblyman Kelvin D. Atkinson
    George Togliatti, Director, Department of Public Safety (nonvoting member)

COMMISSION MEMBER PRESENT IN CARSON CITY:

    Virginia (Ginny) Lewis, Director, Department of Motor Vehicles (nonvoting member)

COMMISSION MEMBERS ABSENT:

    Assemblyman Scott A. Sibley
    Scott Sisco, Interim Director, Department of Cultural Affairs (nonvoting member)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

    Marjorie Paslov Thomas, Senior Research Analyst
    Matthew Szudajski, Senior Research Analyst, Research Division
    M. Scott McKenna, Senior Principal Deputy Legislative Counsel
    Heidi A. Chlarson, Deputy Legislative Counsel, Legal Division
    Nenita Wasserman, Senior Research Secretary, Research Division
OPENING REMARKS

- Senator Dennis Nolan, Chair, welcomed members and the public to the second meeting of the Commission on Special License Plates.

APPROVAL OF MINUTES OF THE NOVEMBER 2, 2005, MEETING IN LAS VEGAS, NEVADA

- The Commission APPROVED THE FOLLOWING ACTION:

  SENATOR CARLTON MOVED TO APPROVE THE MINUTES OF THE COMMISSION ON SPECIAL LICENSE PLATES MEETING HELD NOVEMBER 2, 2005, IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN OCEGUERA AND PASSED UNANIMOUSLY.

OVERVIEW OF THE DEPARTMENT OF MOTOR VEHICLES’ (DMV) PROCESS OF SUBMITTING, DESIGNING, AND PRODUCING SPECIAL LICENSE PLATES THROUGH DIRECT APPLICATION TO THE COMMISSION ON SPECIAL LICENSE PLATES

- Ginny Lewis, Director, DMV, gave an overview of the DMV’s process of submitting, designing, and producing special license plates through direct application to the Commission on Special License Plates. She explained that after an application has been approved by the Commission, the DMV: (1) meets with the sponsoring agency to discuss design of the plate; (2) discusses design criteria as specified in Nevada Revised Statutes; (3) works with the sponsoring agency to create a design; and (4) requests a digital image of the design from the production tag plant.

  Continuing, Ms. Lewis reported that the design is then submitted to law enforcement for review to ensure it meets visibility safety requirements. The director of the DMV then signs off on the application to begin production. The plates are distributed to 21 DMV field offices for public purchase; the DMV maintains records of the number of plates sold and the amount of revenue generated.

PRESENTATION CONCERNING CASE LAW PERTAINING TO THE PROCESS OF DIRECT APPLICATION, PETITION, AND ISSUANCE OF SPECIAL LICENSE PLATES IN NEVADA

- M. Scott McKenna, Senior Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB), stated that the first part of his testimony was in response to a question posed by Ms. Lewis at the Commission’s meeting held on November 2, 2005, regarding the California State Legislature’s decision not to issue the special license plate “Choose Life.” Mr. McKenna reviewed Women’s Resource
*Network v. Gourley*, 305 F. Supp. 2d 1145 (E.D. Cal. 2004) and explained that Gourley involved a challenge by a group seeking a “Choose Life” special license plate. The group seeking the plate sued the Director of California’s Department of Motor Vehicles for: (1) invalidation of California’s special license plates law; and (2) the repeal of all previously approved special plates. Mr. McKenna highlighted the three significant points in the Gourley case.

Mr. McKenna then provided a legal review of the criteria that may be used for determining whether a given plate should be approved or not approved by Nevada’s Commission on Special License Plates. He addressed the outcome of *Arizona Life Coalition v. Stanton*, 2005 WL 2412811 (D. Ariz. Sept. 26, 2005) and noted that Stanton also involved a challenge by a group seeking a “Choose Life” special license plate from the Arizona License Plate Commission (ALPC). The ALPC declined to issue the plate stating that the State of Arizona did not want to get into the abortion debate. The group seeking the plate sued the State of Arizona seeking various forms of redress.

**PRESENTATION ON REQUIREMENTS ESTABLISHED BY THE ARIZONA LEGISLATURE FOR APPROVING SPECIAL LICENSE PLATES AND POSSIBLE ADOPTION BY THE COMMISSION ON SPECIAL LICENSE PLATES OF SIMILAR STANDARDS TO ASSESS QUALIFICATIONS OF APPLICANT ORGANIZATIONS**

- Marjorie Paslov Thomas, Senior Research Analyst, Research Division, LCB, gave an overview of the requirements established by the Arizona Legislature for approving special license plates. She explained that the Arizona Legislature established a license plate commission in 1997 to authorize special license plates. Ms. Paslov Thomas discussed *Arizona Revised Statute* 28-2404, “Special organization plates; state highway fund account; definitions,” which provides the guidelines for submitting a special license plate application to the ALPC (Exhibit B-1).

Continuing, Ms. Paslov Thomas reviewed the proposed standards and guidelines for Nevada’s Commission on Special Plates to use when assessing the qualifications of proposed applicants and organizations with existing special license plates (Exhibit B-2).

- Assemblyman Oceguera questioned if the litigation that was presented by Mr. McKenna is relevant to the proposed guidelines. Mr. McKenna stated that the decision to cease increasing the number of plates was not overturned by the court.

- Chairman Nolan suggested that the word “immediately” in Item 2.b. of Exhibit B-2 be deleted and the word “hold” be changed to “schedule.”

- For clarification purposes, Senator Carlton asked if the revenue limit shown on the second page of Exhibit B-2 is the appropriate amount. Ms. Paslov Thomas
explained that the revenue amount of $50,000 is currently in statute under NRS 218.825. She added it was a suggested amount but the Commission may consider changing the amount.

- Ginny Lewis, previously identified, responded to a question from Senator Carlton and explained that no current active special license plate would be eliminated under the proposed qualifications.

- The Commission APPROVED THE FOLLOWING ACTION:

  SENATOR CARLTON MOVED FOR THE APPROVAL OF THE PROPOSED STANDARDS AND GUIDELINES FOR USE BY THE COMMISSION ON SPECIAL LICENSE PLATES WHEN ASSESSING THE QUALIFICATIONS OF APPLICANT ORGANIZATIONS AND ORGANIZATIONS WITH EXISTING SPECIAL LICENSE PLATES. THE MOTION WAS SECONDED BY ASSEMBLYMAN ATKINSON, WHICH PASSED UNANIMOUSLY.

OVERVIEW OF ACTIVE PLATE COUNTS, REVENUE GENERATED, AND CONSIDERATION OF PLATES NOT YET PRODUCED

- Marjorie Paslov Thomas, previously identified, gave a brief report on the number of active plates, revenue generated, and consideration of special license plates not yet produced (Exhibit C). In addition, she explained that the Durango Plate was approved by the Commission in October 2004 but was not produced by the DMV because the number of active plates exceeded the limit. She noted that the Asociacion Civil Del Estado De Durango is a nonprofit organization who collects money to transport bodily remains back to Durango, Mexico, for families and provides money for scholarship funds (Exhibit D).

- The Commission APPROVED THE FOLLOWING ACTION:

  A MOTION TO RESCIND APPROVAL OF THE DURANGO PLATE WAS MADE BY SENATOR CARLTON. THE MOTION WAS SECONDED BY ASSEMBLYMAN ATKINSON, WHICH PASSED UNANIMOUSLY.

- The Chair noted that the Durango application would be reviewed using the new standards and guidelines adopted by the Commission.
DISCUSSION AND POTENTIAL APPROVAL OF APPLICATIONS FOR SPECIAL LICENSE PLATES

Horse Power

- Sally Summers, Founder and Executive Director, Horse Power, Washoe Valley, testified that the funds collected would be used to establish a philanthropic program that will financially aid groups, organization, and individuals that care for wild horses. Please see Exhibit E for Ms. Summers’ written testimony and other documents relevant to the Horse Power organization.

Nevada Carpenters Union—Local 1977

- Roy Granillo, Representative for Southwest Regional Council of Carpenters, Las Vegas, testified that the Southwest Regional Council of Carpenters is a nonprofit labor organization that represents over 11,100 union members throughout the State. He reported the profits from the plate would benefit Opportunity Village, which is Nevada’s largest provider of programs and services for people with intellectual disabilities (Exhibit F).

Friends of Red Rock Canyon

- Patricia Williams, President, Friends of Red Rock Canyon, Las Vegas, noted that 1,966 signatures were collected. Ms. Williams stated that for the Friends of Red Rock Canyon to successfully operate, additional funds are needed. She commented that the money from the special license plate would provide funding for services such as expanding volunteer expertise, increased community-based educational outreach, and converting some trails to meet the recommendations of the Americans with Disabilities Act. See Exhibit G for Ms. Williams’ written testimony and documents relevant to the Friends of Red Rock Canyon.

Douglas County Sheriff’s Search and Rescue

- Robert J. Higgins, Representative, Team Leader, Zephyr Cove, explained that funds from the Douglas County Sheriff’s Search and Rescue (SAR) special license plate would provide local and statewide training for SAR personnel and to purchase equipment that would allow agencies to interact with one another during emergency situations (Exhibit H).

University Medical Center (UMC) of Southern Nevada, UMC Partners in Excellence Foundation, Inc.

- Rebecca L. Rych, Director of Development and Fundraising, UMC, Las Vegas, testified that the UMC is the only public, nonprofit hospital in Clark County with an
operating Burn Care Center and Level I Trauma Center in the State. Funds from this plate will support the programs and equipment needed most at the UMC, which specializes in 11 disciplinary centers from emergency care to neonatology (Exhibit I).

**National Law Enforcement Officers Memorial Fund**

- Lilli Frost, public citizen, Carson City, indicated she was representing Al Bertone, a former Rhode Island Police Officer who is requesting a special license plate to memorialize fallen law enforcement officers. The image on the plate would display a blue badge with a rose across it. The funds from the plate would go to the national memorial to honor fallen law enforcement officers (Exhibit I).

**Nevada’s Department of Wildlife (NDOW)**

- Kelly Clark, Bureau Chief, Conservation Education, NDOW, Reno, explained that funding from the NDOW special license plate will be spent on conservation education and volunteer programs conducted by the Conservation Education Bureau at the NDOW (Exhibit K).

**PUBLIC COMMENT**

- Sherry Warren, Horse Power, Las Vegas, testified in support of the special license plate for Horse Power. She stated that the National Wildlife Horse Organization is a nonprofit organization that has been in existence for 30 years.

- Elaine Bravada, President, National Wildhorse Nevada, Henderson, testified in support of the Horse Power special license plate. She explained that the funds would benefit many nonprofit organizations that take care of wild horses.

- The Commission APPROVED THE FOLLOWING ACTION:

  SENATOR CARLTON MOVED THAT ALL SPECIAL LICENSE PLATE APPLICATIONS REVIEWED INCLUDING THE ADDENDUM ON ASOCIACION CIVIL DEL ESTADO DE DURANGO BE ALLOWED TO PROCEED THROUGH THE PROCESS AND RETURN TO THE COMMISSION TO REQUEST PLATE APPROVAL. THE MOTION WAS SECONDED BY ASSEMBLYMAN OCEGUERA, WHICH PASSED UNANIMOUSLY.

**WORK SESSION—DISCUSSION AND ACTION REGARDING RECOMMENDATIONS CONCERNING SPECIAL LICENSE PLATES**

The “Work Session Document” (Exhibit L) was prepared by the staff of Nevada’s Commission on Special License Plates (Nevada Revised Statutes [NRS] 482.367004).
The document contains recommendations within the scope of the study that were presented in hearings or submitted in writing for the Commission’s consideration. The document also may contain supplemental information as referenced in this document.

The possible actions listed in the “Work Session Document” do not necessarily have the support or opposition of the Commission. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. Individual or joint sponsors of recommendations may be referenced in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the interim.

The members of the Commission may vote to send as many Commission statements or letters as they choose; however, pursuant to NRS 218.2429, the Commission is limited to ten bill draft requests (BDRs), including requests for the drafting of legislative resolutions. For purposes of this “Work Session Document,” the recommendations have been grouped, in part, by topic and also by possible Commission action. They are not preferentially ordered. Finally, it should be noted that many of the recommendations may contain an unknown fiscal impact. Commission members should be advised that LCB staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate (for inclusion in the final report) and that all recommendations may be considered within available funding limits.

**RECOMMENDATIONS FOR LEGISLATIVE MEASURES**

**Recommendation No. 1:** Draft a bill amending Chapter 482 of NRS to provide that Nevada’s Commission on Special License Plates may approve an organization’s request for a special license plate if the organization meets the following requirements: (a) the primary activity of the organization serves the community, contributes to the welfare of others, and is not discriminatory or offensive in nature, activity, or name; (b) the name of the organization or any part of the organization’s purpose does not promote any specific product or brand name that is provided for sale; and (c) the purpose of the organization does not promote a specific religion, faith, or antireligious belief. Additionally, the Commission must consider each application for a special license plate based on the chronological order of application submission to the Department of Motor Vehicles (DMV).

- Senator Nolan noted that recommendation would include the amendments discussed in previous testimony.

- The Commission APPROVED THE FOLLOWING ACTION:

  **SENATOR CARLTON MOVED TO ADOPT RECOMMENDATION NO. 1. THE MOTION WAS SECONDED BY ASSEMBLYMAN OCEGUERA AND PASSED UNANIMOUSLY.**
**Recommendation No. 2:** Draft a bill amending NRS 482.367002 to require that an organization must, along with submitting an application to the DMV, pay a $4,000 fee for the initial costs incurred in producing a special license plate. Upon approval by Nevada’s Commission on Special License Plates, the DMV will begin design and production of the organization’s special license plate. On October 1 (after the plate has been available for 12 months), if the DMV determines there are 1,000 active plates, the DMV will refund the $4,000 fee to the organization. However, if the organization does not meet the 1,000 active plate minimum within the required time frame, the DMV will not refund the design and production fee. Additionally, if Nevada’s Commission on Special License Plates does not approve an organization’s request for a special license plate, the $4,000 fee will be refunded to the organization. *(Recommended by Virginia Lewis, Director, DMV)*

- Assemblyman Oceguera suggested a different procedure for submittal of the $4,000 fee. He stated that if an organization could get the initial cost of the plate up-front from each person signing the application, the 1,000 active plate minimum would be guaranteed and the organization would not lose their initial $4,000 fee.

- Ginny Lewis, previously identified, stated that an upfront deposit of $4,000 would represent an organization’s commitment to purchase a new plate. She explained that the required 1,000 signatures that are now in place do not represent a true commitment until the plate is paid and registered to a vehicle. The $4,000 deposit is a reasonable reflection of what it costs the DMV to produce a plate.

- Senator Carlton explained she could not support this concept as it would challenge small organizations that may not have the money for the required fee.

The Commission took no action on Recommendation No. 2.

**Recommendation No. 3** — Draft a bill amending Chapter 482 of NRS to limit the production of a special license plate once the plate has been in circulation for ten years or the charitable organization has collected $60,000 in fees from the plate. However, existing holders of that particular design of special license plate may retain the plate and are not prohibited from renewing that plate. *(Discussed at the November 2, 2005, meeting of Nevada’s Commission on Special License Plates.)*

Recommendation No. 3 was removed from the work session for further consideration.

**Recommendation No. 4** — Draft a bill amending Section 3 of NRS 482.367004 to require that legislators serving on the Commission be paid a salary and compensated for their travel and per diem expenses. *(Discussed at the November 2, 2005, meeting of Nevada’s Commission on Special License Plates.)*
• Chairman Nolan explained that this recommendation would provide compensation for members serving on the Commission that would be consistent with other legislative committees.

• The Commission APPROVED THE FOLLOWING ACTION:

SENATOR CARLTON MOVED TO APPROVE RECOMMENDATION NO. 4. CHAIRMAN NOLAN SECONDED THE MOTION, WHICH PASSED WITH ASSEMBLYMAN OCEGUERA VOTING NAY.

RECOMMENDATIONS TO DRAFT A LETTER OR INCLUDE A STATEMENT IN THE FINAL REPORT

• Marjorie Paslov Thomas, previously identified, announced there were no recommendations to draft a letter or include a statement in the final report.

• Chairman Nolan stated that he requested the Audit Division of the LCB conduct an audit of the current special license plates registered with the DMV to determine how the funds are being spent. He recommended that this request be submitted as a bill draft request (BDR).

• The Commission APPROVED THE FOLLOWING ACTION:

SENATOR CARLTON MOVED TO APPROVE THE RECOMMENDATION TO SUBMIT A BILL DRAFT REQUEST FOR THE AUDIT DIVISION OF THE LCB TO REVIEW FINANCIAL RECORDS OF THE SPECIAL LICENSE PLATE ORGANIZATIONS COLLECTING FUNDS. THE MOTION WAS SECONDED BY ASSEMBLYMAN ATKINSON, WHICH PASSED UNANIMOUSLY.

• Ginny Lewis, previously identified, explained that if the bill passes, the DMV would send a letter to each organization that has a special license plate. The letter would inform the organization of the new financial requirements and would provide them with the written guidelines. She asked if the reports should go to the DMV first and then forwarded to the Audit Division.

• Chairman Nolan asked that the Legal Division of the LCB and the DMV work together to draft a BDR to present to the Commission when it meets in February 2007.

• Chairman Nolan noted that legislators may submit a special license plate application through a BDR for the Commission’s review. He explained there have been a number of legal opinions submitted in the past, which stipulate that the Commission cannot restrict legislators, agencies, or public members from submitting BDRs. He commented that by creating the Commission after the 72nd Legislative Session, the
intent was to require that if the Legislature passes a new license plate, that plate must return before the Commission for review and ultimate approval. The Chairman stated that if this rule is not approved, organizations will skip the step of having to go before the Commission.

- Assemblyman Oceguera suggested the Legal Division give a presentation on potential BDRs that would require approval by the Commission and the Legislature.

ADJOURNMENT

There being no further business to come before the Commission, Chairman Nolan adjourned the meeting at 11:46 a.m.

Respectfully submitted,

Roxanne Duer for Nenita Wasserman
Senior Research Secretary

Marjorie Paslov Thomas
Senior Research Analyst

APPROVED BY:

Senator Dennis Nolan, Chairman
Date: __________________________
LIST OF EXHIBITS

Exhibit A is the “Meeting Notice and Agenda” provided by Marjorie Paslov Thomas, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

Exhibit B-1 is a document titled “28-2404. Special Organization Plates; State Highway Fund Account; Definitions,” from the Arizona State Legislature provided by Marjorie Paslov Thomas, Senior Research Analyst, Research Division, LCB.

Exhibit B-2 is a document titled “Proposed Standards and Guidelines When Assessing the Qualifications of Applicant Organizations and Organizations with Existing Special License Plates for Use by Nevada’s Commission on Special License Plates” provided by Marjorie Paslov Thomas, Senior Research Analyst, Research Division, LCB.

Exhibit C is a document titled “Department of Motor Vehicles Special Plate Funds” submitted by Marjorie Paslov Thomas, Senior Research Analyst, Research Division, LCB.

Exhibit D is a copy of the Durango special license plate application, provided by the Asociacion Civil De Durango, Las Vegas.

Exhibit E is the written testimony of Sally Summers, Founds and Executive Director, Horse Power, and a copy of the Horse Power special license plate application submitted by Ms. Summers.

Exhibit F is a copy of the Nevada Carpenters Union—Local 1977 special license application provided by Frederick L. Wilkening, Senior Business Representative, Southwest Regional Council of Carpenters.

Exhibit G is the written testimony of Patricia Williams, President, Friends of Red Rock Canyon, and a copy of the Friends of Red Rock Canyon special license plate application submitted by Ms. Williams.

Exhibit H is a copy of the Douglas County Sheriff’s Search and Rescue special license application provided by Robert J. Higgins, Representative; Ryder Evans, Representative; and Corey Periman, Operations Leader.

Exhibit I is a copy of the special license plate application for the University Medical Center (UMC) of Southern Nevada, UMC Partners in Excellence Foundation, Inc., submitted by Rebecca L. Rych, Director of Development and Fundraising, UMC.

Exhibit J is the written testimony of Lilli Frost, public citizen, Carson City, and a copy of the National Law Enforcement Officers Memorial Fund special license plate application submitted on behalf of Al Bertone.
Exhibit K is a copy of Nevada’s Department of Wildlife (NDOW) special license plate application provided to the Commission by Kelly Clark, Bureau Chief, Conservation Education, NDOW, and Lynne Foster, Marketing Coordinator, NDOW.

Exhibit L is the “Work Session Document” for the Commission on Special License Plates provided by Marji Paslov Thomas, Senior Research Analyst, Research Division, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.