



NEVADA LEGISLATURE
COMMISSION ON SPECIAL LICENSE PLATES
(Nevada Revised Statutes [NRS] 482.367004)

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature’s Commission on Special License Plates was held on Wednesday, October 28, 2015, at 3:30 p.m. in Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau’s Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

COMMISSION MEMBERS PRESENT IN CARSON CITY:

Assemblyman Jim Wheeler, Chair

Senator Donald G. Gustavson

Terri L. Albertson, C.P.M., Interim Director, Department of Motor Vehicles (DMV)
(Nonvoting Member)

Peter D. Barton, Administrator, Division of Museums and History, representing
Claudia Vecchio, Director, Department of Tourism and Cultural Affairs
(Nonvoting Member)

James M. Wright, Director, Department of Public Safety *(Nonvoting Member)*

COMMISSION MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Richard Carrillo

Assemblywoman Jill Dickman

COMMISSION MEMBER ABSENT:

Senator Scott T. Hammond, Vice Chair (Excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Marjorie Paslov Thomas, Principal Research Analyst, Research Division
Matt Mundy, Senior Deputy Legislative Counsel, Legal Division
Christina Harper, Senior Research Secretary, Research Division

Any agenda items taken out of order during the meeting have been placed in proper agenda order in the minutes for purposes of continuity.

AGENDA ITEM I—OPENING REMARKS

Chair Wheeler called the meeting to order. He welcomed members, presenters, and the public to the first meeting and work session of the Commission on Special License Plates. Chair Wheeler provided general Commission information and testimony guidelines.

He encouraged individuals to address work session items during the first public comment period.

AGENDA ITEM II—PUBLIC COMMENT

Chair Wheeler called for public comment on each specific agenda item.

Sally Summers, Executive Director, Horse Power, requested there be no infringement on the artwork and color scheme of the Horse Power plate with the specialty license plate request from the Hidden Valley Wild Horse Protection Fund.

Shannon Windle, President, Hidden Valley Wild Horse Protection Fund, started to read an e-mail from Willis Lamm, resident of Stagecoach, Nevada. Chair Wheeler indicated this written testimony was previously submitted to the Commission and would be part of the record ([Exhibit B](#)).

Chair Wheeler introduced an e-mail ([Exhibit C](#)) from Elisa Cafferata, President and Chief Executive Officer (CEO) of the Nevada Advocates for Planned Parenthood Affiliates (NAPPA), which expressed concerns regarding the Women’s Resource Medical Centers of Southern Nevada’s specialty license plate application.

AGENDA ITEM III—OVERVIEW OF THE RESPONSIBILITIES OF THE COMMISSION ON SPECIAL LICENSE PLATES; REVIEW OF SPECIAL LICENSE PLATES INCLUDING ACTIVE PLATE COUNTS; 2015 LEGISLATIVE CHANGES TO THE COMMISSION ON SPECIAL LICENSE PLATES; AND SUMMARY OF THE UNITED STATES SUPREME COURT RULING ON SPECIAL LICENSE PLATES

Marjorie Paslov Thomas, previously identified, provided an overview of the responsibilities of the Commission, a review of special license plates active plate counts, and revenue generated ([Exhibit D](#)).

Matt Mundy, previously identified, provided an overview of Assembly Bill 189 ([Exhibit E](#)), effective July 1, 2015, which authorizes the Commission on Special License Plates to request the Legislative Commission to direct the Legislative Auditor to perform an audit of certain charitable organizations if the Commission has reasonable cause to believe it has received a

credible complaint that an organization has mismanaged license plate funds; requires applicants for special license plates who wish to award grants with money received from the special license plates to submit their methods and procedures for the award of such grants to this Commission for approval; requires applicants for special license plates to submit a budget with the application; and requires charitable organizations that have been issued special license plates on or before July 1 of each year to submit a report on the budget and publish their most recent federal tax return on the Internet or newspaper. He offered a definition of “credible complaint” pursuant to A.B. 189 and reviewed the complaint process.

Mr. Mundy stated the Ninth Circuit Court of Appeals held that messages conveyed through special organization plates represented primarily private speech that is protected by the First Amendment, thereby severely restricting the authority of a governmental body to decline to authorize the issuance of a special license plate. In the June 2015 decision of the Supreme Court case of *Walker, Chairman, Texas Department of Motor Vehicles Board, et al. v. Texas Division, Sons of Confederate Veterans, Inc., et al.*, the Supreme Court effectively abrogated the holding of the Ninth Circuit Court of Appeals by finding that messages on license plates are primarily government speech and are consequently more easily regulated and subjected to content restriction by a governmental body authorized to approve and disapprove specialty plates. As such, the current state of the law supports the discretion of this Commission in terms of its ability to regulate and approve or disapprove specialty plates based on their message, whereas in the past, such discretion was questionable.

AGENDA ITEM IV—REPORT BY THE LEGISLATIVE AUDITOR CONCERNING CHARITABLE ORGANIZATIONS RECEIVING REVENUE FROM SPECIAL LICENSE PLATES (AS REQUIRED BY NRS 482.38278)

Rocky J. Cooper, Audit Supervisor, Audit Division, Legislative Counsel Bureau (LCB), provided a summary of the September 30, 2015, staff report by the Legislative Auditor concerning charitable organizations receiving revenue from specialty license plates ([Exhibit F](#)).

Chair Wheeler stated the Commission is allowing an extension of time to the March of Dimes to comply with the requirements.

Mr. Cooper stated the Audit Division would send a letter to the March of Dimes following this meeting.

MOTION: Chair Wheeler moved, pursuant to NRS 482.38279 to notify Hot August Nights and University Medical Center that they have failed to file adequate and accurate forms and records with the Commission on Special License Plates, as the result of not filing a balance sheet and bank statement with the Commission on Special License Plates or the Department of Motor Vehicles, and that both organizations are to contact the Audit Division. The motion was seconded by Senator Gustavson and passed unanimously.

Chair Wheeler stated the Commission would notify Hot August Nights and University Medical Center of this decision. He encouraged representatives of these organizations to provide the required financial information to staff. If the information is not provided in a timely manner or a hearing is not requested within 20 days of receipt of the notice, pursuant to NRS 482.38279, the Commission will have to consider whether to recommend that the DMV suspend the collection of fees on behalf of these organizations and possibly suspend production of the Hot August Nights plate. The University Medical Center plate is no longer in circulation; however, revenue is still collected from the renewal of this plate.

AGENDA ITEM V—CONSIDERATION OF COMPLAINT FILED WITH THE COMMISSION ON SPECIAL LICENSE PLATES CONCERNING HORSE POWER (PURSUANT TO SECTION 2 OF ASSEMBLY BILL 189 [CHAPTER 211, STATUTES OF NEVADA 2015])

Chair Wheeler advised of the provisions of A.B. 189 from the 2015 Legislative Session.

He indicated a letter of complaint and request for an audit of Horse Power was submitted by Julie Von Tobel Gleason and Susie Askew ([Exhibit G](#)).

Chair Wheeler stated that Horse Power has a well-documented history of noncompliance with statutory requirements for financial administration, and a credible complaint has been received alleging the continued mismanagement of license plate funds. He contended it is this Commission's responsibility to ensure charitable organizations, such as Horse Power, continue to use the license plate funds for the benefit of the intended recipient.

MOTION: Senator Gustavson moved to request the Legislative Commission direct the Legislative Auditor to perform an audit of Horse Power in accordance with the provisions of A.B. 189 from the 2015 Legislative Session. The motion was seconded by Assemblywoman Dickman.

Chair Wheeler clarified that this motion refers the matter to the Legislative Commission for its determination as to whether to require the audit.

Brian Hutchins, Consultant and Counselor at Law, BH Consulting LLC, expressed that the complaint alleges old allegations of fault, false allegations, and issues that have been dealt with by the Legislative Auditors and this Commission. He stated Horse Power supported A.B. 189 and accountability of the use of specialty license plate funds. He urged the Commission to adopt a policy establishing standards for the sufficiency of such complaints and providing for the Commission's dismissal of complaints that fail to meet those standards.

Sally Summers, previously identified, stated that Horse Power is following its mandate to financially aid those groups, organizations, and individuals that care for wild, estray, and second-chance horses, burros, and mules in Nevada. She addressed the five issues outlined in

the complaint letter. Ms. Summers emphasized that Horse Power is in full compliance with all requirements and hopes to avoid an unnecessary audit that will have significant financial costs for both Horse Power and the State of Nevada.

Ben Zvenia, President, Horse Power Board, requested the record reflect that Horse Power is in compliance under State and Internal Revenue Service regulations as a nonprofit 501(c)(3). He stated that if the auditors had determined there was an issue, that issue would have been resolved.

Rocky J. Cooper, previously identified, LCB, reviewed the audit process for specialty license plate organizations, at the request of Chair Wheeler.

Discussion ensued concerning the determination of a credible complaint and the amount of funding dedicated to Horse Power grants.

MOTION VOTE: The previous motion made by Senator Gustavson and seconded by Assemblywoman Dickman passed unanimously.

AGENDA ITEM VI—PRESENTATION AND DISCUSSION OF PENDING APPLICATIONS FOR SPECIAL LICENSE PLATES

Chair Wheeler advised of the statutory requirement that only 30 special license plates may be in circulation at any one time. He pointed out that in 2013, the Legislature passed A.B. 189, which created a separate tier of five specialty license plates, in addition to the existing 30 specialty license plates.

FIRST TIER

A. NEVADA BIGHORNS UNLIMITED

Joshua C. Vittori, President, Nevada Bighorns Unlimited (NBU), provided a Microsoft PowerPoint with an overview of the organization and its specialty license plate proposal ([Exhibit H](#)).

Dennis R. Wilson, DVM, Treasurer, NBU, submitted the *NBU Journal*, Volume 32, Number 3, for the Commission's information ([Exhibit I](#)). He thanked the Commission for this opportunity to develop a revenue source to help Nevada's wildlife.

B. INDIAN HEALTH BOARD OF NEVADA

Based on information regarding the Indian Health Board of Nevada, submitted by Doreen Rigsby, Services Manager II, Central Services and Records, Division, DMV, ([Exhibit J](#)), Chair Wheeler stated this organization is no longer operational and the application for a specialty license plate is revoked.

C. THE GREAT RENO BALLOON RACE

Pete Copeland, Executive Director, Great Reno Balloon Race, shared a Microsoft PowerPoint presentation regarding the Great Reno Balloon Race event and specialty license plate proposal ([Exhibit K](#)).

David Taylor, Vice President, Board of Directors, Great Reno Balloon Race, discussed the possibility that the specialty license plate design will include one or more balloons from Nevada.

There was discussion regarding the profit and loss statement, annual revenue received, and the executive director's duties and salary.

D. SPARKS HERITAGE FOUNDATION AND MUSEUM

Richard Dreiling, Secretary, Board of Trustees, Sparks Heritage Foundation and Museum, submitted the specialty license plate application ([Exhibit L](#)). He provided information about the museum, its board, and community service programs. Mr. Dreiling indicated a portion of the revenue received from this plate would be used to increase the salary of the part-time executive director and fund future museum projects.

Senator Gustavson and Assemblywoman Dickman expressed support for this museum and encouraged the approval of the specialty license plate request.

E. DESERT CONSERVATION PROGRAM

Marci Henson, Director, Clark County Department of Air Quality, presented a Microsoft PowerPoint presentation regarding the Desert Conservation Program and the specialty license plate application ([Exhibit M](#)).

SECOND TIER

F. KEEP MEMORY ALIVE/CLEVELAND CLINIC LOU RUVO CENTER FOR BRAIN HEALTH

Larry Ruvo, Chairman, Founder, Keep Memory Alive (KMA), reviewed the need, purpose, and goal of the Keep Memory Alive/Cleveland Clinic Lou Ruvo Center for Brain Health.

Dylan Wint, M.D., Nevada Energy Foundation Chair for Brain Education, and Director of Education, Cleveland Clinic Lou Ruvo Center for Brain Health, began the Microsoft PowerPoint presentation ([Exhibit N](#)) emphasizing core missions and services of the Center.

Justin Schmiedel, Administrative Director, KMA, Cleveland Clinic Lou Ruvo Center for Brain Health, continued the presentation outlining the economic impact of the Center in Las Vegas and Nevada.

Chair Wheeler acknowledged the availability of the video from KMA from staff or the Commission's webpage ([Exhibit O](#)).

G. WOMEN'S RESOURCE MEDICAL CENTERS OF SOUTHERN NEVADA

Esther Caruso-Golleher, CEO, and Anna Maria Serra-Radford, Director of Client Services, Women's Resource Medical Centers of Southern Nevada, shared a Microsoft PowerPoint presentation and reviewed the specialty license plate proposal ([Exhibit P](#)).

Matt Mundy, previously identified, made the following advisory statement in response to the letter from Elisa Cafferata, NAPPA, ([Exhibit C](#)):

Citing NRS 482.367002 that in part states that an applicant for a license plate will not promote a specific religion, faith, and/or a religious belief. This statute cites addresses the preliminary qualifications of an applicant submitting an application to the DMV. The onus is initially on the DMV to determine whether or not the application is acceptable under the statute. Great deference should be given to the interpretation of the statute by the DMV and by virtue of DMV's review and approval of this application and the forwarding of the application to this Commission; it appears that the DMV believes the applicant to be qualified. As the specific statutory language of subsection 1(f), reveals that it is the actual message espoused by the license plate itself that cannot promote a religion or faith. It is not that the organization cannot espouse religious views. Notably paragraphs (a) through (e) all speak directly about the organization, whereas paragraph (f) speaks to the message contained on the plate itself. That is a notable distinction. If the Legislature had not wanted the organization to be associated with some religious belief, it would have said 'organization' in paragraph (f) rather than 'license plate.'

As to any constitutional impediment, there are approximately 30 states, to my best recollection and research, that have a 'choose life' or similar license plate, and the plate has been widely litigated for various reasons. We just received this letter today and I have not been able to research this issue thoroughly, but we are aware of the potential for litigation over this particular message. The *Walker* case, that I previously discussed at the beginning of this hearing, held that special license plate messages are government speech and not private speech, as previously understood to be. Meaning, that if this plate is approved, Nevada would be endorsing the message, 'choose life,' or a similar message on the plate. I am not of the opinion that this message is overtly religious in nature, but the Commission should be aware that the plate and its message are inextricably linked to an organization that does espouse a religious viewpoint and believe that similar

relationships in other states will likely lead to litigation as to whether that state is implicitly endorsing a religious message. Unfortunately, given how recently the *Walker* case was decided, I have no case law in point to speculate how a court would rule under these facts. And the bottom line, Mister Chairman, is that the message is not religious per se, and I am not aware of any legal impediment to the Commission adopting this plate at this time. But this is a very controversial and sensitive topic that will continue to be the basis for litigation across the country in terms of the message being placed on license plates and endorsed by states as government speech, rather than private speech as a result of the recent decision in *Walker*.

Assemblyman Carrillo stated the Women's Resource Medical Centers of Southern Nevada's core beliefs do promote the Christian faith. He asked whether approving this specialty license plate could place the State at potential risk for litigation.

Mr. Mundy responded there is no statutory impediment based on the language cited in this letter because it states the license plate shall not promote a religion and "choose life" by and of itself, though it may by association in some context be associated with some religious belief, it is not necessarily a religious statement in and of itself. He indicated there is no statutory concern, but there is potential for litigation because the *Walker* decision states the message on a license plate is government speech. Mr. Mundy suggested there could be an issue with the type of message the State is endorsing regarding the separation of church and state.

H. HIDDEN VALLEY WILD HORSE PROTECTION FUND

Shannon Windle, previously identified, presented a Microsoft PowerPoint presentation for the specialty license plate application to benefit the historic Virginia Range wild horses ([Exhibit Q](#)).

Chair Wheeler stated these are Virginia Range wild horses currently under the oversight of the State Department of Agriculture (NDA), not the Bureau of Land Management. He added the 2013 Legislature passed a law that made it a gross misdemeanor to feed wild horses anywhere near a road and allow organizations to work with the NDA to save the State money in this area; this specialty license plate is a direct outcome of that legislation.

AGENDA ITEM VII—WORK SESSION—DISCUSSION AND POSSIBLE ACTION RELATING TO:

During this portion of the meeting, the Commission members may possibly take final action on pending specialty license plate applications under consideration that are on file with the DMV.

Marjorie Paslov Thomas, previously identified, presented background information on applications submitted for a specialty license plate and a recommendation for a bill draft request for the redesign process of existing specialty license plates ([Exhibit R](#)).

PENDING SPECIAL LICENSE PLATE APPLICATIONS

MOTION: Chair Wheeler moved to recommend the Nevada Bighorns Unlimited application. The motion was seconded by Assemblyman Carrillo and passed unanimously.

MOTION: Chair Wheeler moved to not recommend the Indian Health Board of Nevada application. The motion was seconded by Senator Gustavson and passed unanimously.

MOTION: Chair Wheeler moved to recommend Great Reno Balloon Race application. The motion was seconded by Senator Gustavson and passed unanimously.

MOTION: Chair Wheeler moved to recommend the Sparks Heritage Foundation and Museum application. The motion was seconded by Assemblywoman Dickman and passed unanimously.

MOTION: Chair Wheeler moved to recommend the Desert Conservation Program application. The motion was seconded by Assemblyman Carrillo and passed unanimously.

MOTION: Chair Wheeler moved to recommend the Keep Memory Alive/Cleveland Clinic Lou Ruvo Center for Brain Health application. The motion was seconded by Senator Gustavson and passed unanimously.

MOTION: Chair Wheeler moved to recommend the Women's Resource Medical Centers of Southern Nevada application. The motion was seconded by Senator Gustavson and passed. Assemblyman Carrillo voted no.

MOTION: Chair Wheeler moved to recommend the Hidden Valley Wild Horse Protection Fund application. The motion was seconded by Assemblywoman Dickman and passed unanimously.

Chair Wheeler announced the DMV will be contacting the applicants with the next steps in the design process.

REDESIGN PROCESS OF EXISTING SPECIAL LICENSE PLATES

MOTION: Senator Gustavson moved to request a bill draft to require an organization, which is requesting a redesign of its specialty license plate, to submit a request to the Commission on Special License Plates. The Commission will consider each request and make a recommendation to the DMV on each redesign. The motion was seconded by Assemblywoman Dickman and passed unanimously.

AGENDA ITEM VIII—CONSIDERATION AND POSSIBLE APPROVAL OF PROCEDURES AND METHODS OF CERTAIN CHARITABLE ORGANIZATIONS THAT AWARD GRANTS USING REVENUE GENERATED FROM THE SALE OF SPECIAL LICENSE PLATES (PURSUANT TO SECTION 3 OF ASSEMBLY BILL 189 [CHAPTER 211, *STATUTES OF NEVADA 2015*])

Chair Wheeler acknowledged the information presented for the procedures and methods to award grants using revenue generated from the sale of special license plates from the NBU ([Exhibit S](#)) and the Desert Conservation Program ([Exhibit T](#)).

MOTION: Senator Gustavson moved to approve the procedures and methods of the Nevada Bighorns Unlimited to award grants using revenue generated from the sale of their specialty license plates. The motion was seconded by Assemblywoman Dickman and passed unanimously.

MOTION: Chair Wheeler moved to approve the procedures and methods of the Desert Conservation Program to award grants using revenue generated from the sale of their specialty license plates. The motion was seconded by Senator Gustavson and passed unanimously.

AGENDA ITEM IX—PUBLIC COMMENT

Dorothy Nysten, Director, Wild Horse Preservation League, Dayton, Nevada, informed the Commission of the League's partnership with the Hidden Valley Wild Horse Protection Fund. She expressed full support of the specialty license plate application.

AGENDA ITEM X—ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Christina Harper
Senior Research Secretary

Marjorie Paslov-Thomas
Principal Research Analyst

APPROVED BY:

Assemblyman Jim Wheeler, Chair

Date: _____

EXHIBITS

EXHIBIT	WITNESS/ENTITY	DESCRIPTION
Exhibit A	Marjorie Paslov Thomas, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB)	Agenda
Exhibit B	Willis Lamm, Stagecoach, Nevada	E-mail in support of the Hidden Valley Wild Horse Protection Fund's specialty license plate
Exhibit C	Elisa Cafferata, President and Chief Executive Officer (CEO), Nevada Advocates for Planned Parenthood Affiliates, Inc.	Memorandum expressing concerns regarding the Women's Resource Medical Centers of Southern Nevada's specialty license plate application
Exhibit D	Marjorie Paslov Thomas, Principal Research Analyst, Research Division, LCB	List of specialty license plates and revenue received
Exhibit E	Matt Mundy, Senior Deputy Legislative Counsel, Legal Division, LCB	Assembly Bill 189 (Chapter 482 of <i>Nevada Revised Statutes 2015</i>)
Exhibit F	Rocky J. Cooper, Audit Supervisor, Audit Division, LCB	Annual report regarding charitable organizations receiving revenue from specialty license plates
Exhibit G	Julie Von Tobel Gleason and Susie Askew, Las Vegas, Nevada	Complaint letter and request for an audit of Horse Power
Exhibit H	Joshua C. Vittori, President, Nevada Bighorns Unlimited (NBU)	Microsoft PowerPoint presentation and specialty license plate application
Exhibit I	Dennis R. Wilson, DMV, Treasurer, NBU	<i>NBU Journal</i> , Volume 32, Number 3
Exhibit J	Doreen Rigsby, Services Manager II, Central Services and Records Division, Department of Motor Vehicles	Information on the Indian Health Board of Nevada
Exhibit K	Pete Copeland, Executive Director, Great Reno Balloon Race	Microsoft PowerPoint presentation and specialty license plate application
Exhibit L	Richard Dreiling, Secretary, Board of Trustees, Sparks Heritage Foundation and Museum	Information package and specialty license plate application
Exhibit M	Marci Henson, Director, Clark County Department of Air Quality	Microsoft PowerPoint presentation and specialty license plate application

Exhibit N	Justin Schmiedel, Administrative Director, Cleveland Clinic Lou Ruvo Center for Brain Health	Microsoft PowerPoint presentation and specialty license plate application
Exhibit O	Justin Schmiedel, Administrative Director, Cleveland Clinic Lou Ruvo Center for Brain Health	Cleveland Clinic Lou Ruvo Center for Brain Health Video
Exhibit P	Esther Caruso-Golleher, CEO, Women’s Resource Medical Centers of Southern Nevada, Inc.	Microsoft PowerPoint presentation and specialty license plate application
Exhibit Q	Shannon Windle, President, Hidden Valley Wild Horse Protection Fund	Microsoft PowerPoint presentation and specialty license plate application
Exhibit R	Marjorie Paslov Thomas, Principal Research Analyst, Research Division, LCB	Work Session Document
Exhibit S	Dennis R. Wilson, DMV, Treasurer, NBU	Information on the Protocol for Grant Approval
Exhibit T	Marci Henson, Director, Clark County Department of Air Quality	Information on the Protocol for Grant Approval

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 and other materials distributed at the meeting 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.