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Nevada Commission on Off-Highway Vehicles
Greg McKay, *Chair*
Sue Baker, *Vice Chair*

MINUTES – Amendments to NAC 490 Workshop

Date and Time: Wednesday May 13, 2020, at 1:00 PM

*This meeting will be held via teleconference only. *

Pursuant to Governor Sisolak's March 22, 2020, Declaration of Emergency Directive 006, the requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Corona Virus). Accordingly, anybody planning to participate in the meeting must participate by using the teleconference number.

Teleconference numbers to listen and participate in the meeting are listed below:

Please call one of the two numbers below and follow the prompts to enter the access code. For the general public, please MUTE your phone while listening to the meeting, except when making public comment.

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| USA Toll-Free: | 888-204-5984 |
| USA Caller Paid/International Toll: | 602-333-2014 |
| ACCESS CODE: | 7580217 |

- 1. CALL TO ORDER** – Nikhil Narkhede, OHV Program Manager Calls the workshop to order. He tells those online to state their name and NAC referenced before entering a public comment.
- 2. REVIEW AND DISCUSSION OF PROPOSED CHANGES TO NAC 490: Appendix A**
Paul Quade, SSORA, states his organization has submitted written comments to the suggested draft, and requests written comments be part of the record. SSORA Written Comments are provided as Appendix B

Nikhil asks if there are any proposed language to discuss specifically. Quade responds that definitions need to be changed for Program, Director, and Facility. SSORA would like to see Facility defined.

Sean McDonald, DMV, joins the call. He mentions concerns including an unfunded mandate from the proposed online portal. Submitting photos of VIN assignments for first time registrations in application paperwork could lead to fraud because the picture could represent any vehicle, not necessarily the OHV being registered. The proposed language needs to meet the programs intent, but also be supported by DMV. Third, NAC 490.410 consider keeping registration and title so point of taxation is still captured. Nevada is not a titling state, so OHVs can be exchanged without a Nevada title.

Nikhil reiterates three points: Financing for the electronic portal, submitting VIN inspections using photos raises a fraud concern, and make sure taxes are paid for machines riding in Nevada.

Sean also raises the concern of prioritizing the portal build among DMV's other online integration workload. Simply adding the language to regulations does not automatically update the process, the build will take time.

Sue Baker, OHV Commissioner, asks Sean about providing VIN Information to insurance companies. She asks if DMV can see make and model of vehicle based on VIN. Sean confirms this software is available at DMV, but the point of VIN inspections is to have a third party physically confirming the VIN

belongs to the machine being registered. Baker asks if there is an option to enter make, model and VIN to cross reference the details of OHV being registered.

Philip Fell, OHV Commissioner, wants to see registration and title processes separated. An easy to obtain registration, and VIN inspection required for title. He asks about possibility of fraud because the sticker can be placed on any bike once received. A duplicate sticker can be requested and placed on another OHV.

Brian Parks, OHV Commissioner, adds the title process should stay the same and wants to see a use sticker either annually or a multiple year registration, more in line with the time an OHV kept. The titling should be separate from the annual use. Parks claims that with the current processes, if a Nevada registration cannot be obtained, a California registration can be substituted.

Kevin Malone, Undersheriff Humboldt County, clarifies the limitations of running registration stickers. The decal does not provide Law Enforcement with ownership information. Sean clarifies this is accurate, there is no way to trace ownership through the decal. Malone adds another source of fraud could be to print duplicate decals.

Baker asks how this process was established? Sean clarifies that the registration document needs to be carried with them and contains owner information. Malone states, a fraudulent sticker that appears real does not give Law Enforcement probable cause to check registration.

Narkhede clarifies three comments made by Fell, Parks, and Malone. He asks if VIN inspections should be moved to titling only and removed from registration. Fell agrees that there should be connectivity between VIN inspections and Titling. Quade adds that NRS mandates registration and Titling go hand in hand. SSORA will be pushing for a use sticker vs. registration.

Dominique recalls that dealerships pushed to tie registration and titling together to encourage users to purchase in Nevada. Quade asks what financial advantages there are to the dealer, by selling a machine in Nevada? He also suggests the use sticker should be implemented without DMV. Sean supports keeping DMV involved with titling and encourages the creation of a use sticker or whatever works best for the OHV Community. The dealer was meant to be an additional resource for registration and titling. Making the registration as simple as a fishing license would likely increase overall registration numbers.

Parks wants to see bicycles having OHV and road registrations, not just Jeeps and street vehicles. Quade, SSORA introduces the requirement of a use sticker, when street legal vehicles are operating on OHV routes. He also clarifies that the street legal vehicles are exempt under NRS 482 from the OHV registration. Fell brings up the Prison Hill OHV area that supports rock crawlers commonly street legal where a use sticker should be required, versus a licensed vehicle operating on a BLM road alongside OHVs.

Charlie Cox, OHV Commissioner, introduces the Recreation Trails Program, funded in part with Gas Tax. Quade mentions others in the 4x4 community want a seat on the OHV Commission, however are being limited because they cannot obtain the OHV Registration. SSORA wants to see OHV funds benefit street legal 4wd user groups and wants to see a use sticker available to those users as well.

Parks introduces reciprocity. If a third point of sale is available, then it would be easier to limit reciprocity with other states. Kevin Malone supports a use sticker, either you have it or you don't. Paul, SSORA, wants to eliminate reciprocity and it will require legislative change.

Nikhil clarifies NRS 490.082 regarding reciprocity definitions. SSORA wants to see this reciprocity eliminated.

Nikhil asks if there is input on the proposed language changes. Paul notes eliminating NAC 490.1393, removing criteria scoring grant applications. He wants to see the scoring sheet provided to the public before grant applications are due. He wants to see scoring priorities defined in the NAC by the commission. Scoring sheets should be a part of the Grant Request, and scores from the Technical

Advisory Committee should be available to the public. Nikhil clarifies the scoring process from the past year, which makes scoring sheets and priorities available to the public. He also clarifies that accountability remains with the OHV Commission, and there must be a reason provided for grants that are not funded. Paul wants to see public input to commission priorities and included in NAC. Nikhil states all documents are provided to the public at OHV.NV.GOV.

Paul introduces NAC 490.1466 ongoing monitoring of projects to ensure they continue to be maintained into the future. We need to keep in house staff or public collaboration to audit projects and monitor their upkeep. Nikhil proposes a 5-year monitoring cycle so the OHV Commissioners can be up to date on past projects as the sitting members change. He also details the current workload of tracking past OHV projects.

Nikhil asks if there are any comments on NAC 490 that are not suggested for amendments. Nikhil will provide an overview of the meeting discussion with notes and a recording online.

Sue Baker clarifies the consensus to move forward with a user sticker and remove the VIN inspection requirement. Brian adds that a VIN inspection would be required for a title, but not annual use sticker.

Philip Fell asks to add Search and Rescue to eligible grant projects which will require an NRS change.

Nikhil clarifies the next NAC workshop will occur on June 10, following the OHV Commission meeting.

3. PUBLIC COMMENT

Public comment will be taken at the beginning and end of the meeting and may be taken at the discretion of the Chair on agenda items listed for possible action. Public comment is limited to 3 minutes per person. The public may request that items be added to a future agenda. Comment will not be restricted based on viewpoint. No action will be taken on any matter raised during the public comment period that is not already on the agenda. Persons making comment will be asked to begin by stating and spelling their name for the record.

Forum restrictions and orderly business: The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks that antagonize or incite others are examples of public comment that may be reasonably limited.

No Public comment is entered

4. ADJOURNMENT -- Nikhil adjourns the workshop.

Notice of this meeting was posted on the Nevada Commission on Off-Highway Vehicles Website at: <http://ohv.nv.gov/commission> and <https://notice.nv.gov/>

This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020)

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. To request special accommodations or assistance at the meeting, please notify our office at nnarkhede@ohv.nv.gov; in writing to the Off-Highway Vehicles Program, 901 S. Stewart Street, Carson City, NV 89701; or by calling 775-684-2794 no later than two (2) working days prior to the scheduled meeting.

| <u>NRS #</u> | <u>Regulation Leadline</u> |
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| 490.1275 | “Applicant” defined. |
| 490.129 | “Grant” defined. |
| 490.1295 | “Technical Advisory Committee” defined. |
| 490.130 | “Grantee” defined. |
| 490.1305 | “Ex-Officio Members” defined. |
| 490.131 | “Notice to Proceed” defined. |
| 490.1315 | “Office of Grant Procurement, Coordination and Management” and “Office” defined. |
| 490.1325 | “Project” defined. |
| 490.133 | “Request for grant applications” defined. |
| 490.1335 | Request for Grant applications issued within limits of available money. |
| 490.134 | Qualifications to apply for grant. |
| 490.1345 | Entity applying for grant must be in good standing. |
| 490.135 | Letter of Support from governmental agency required to apply for a grant project on public land. |
| 490.1355 | Interest in real property required to apply for grant. project on private land |
| 490.1365 | Grant Application required to comply with certain provisions. |
| 490.137 | Contents of Grant Application: |
| 490.1375 | Contents of Grant Application: Plan for completion of project. |
| 490.138 | Request, publication, evaluation and approval or rejection of Grant Application. |
| 490.1385 | Request for application for grant Grant Applications: Posting on Internet website; content. |
| 490.139 | Submittal of application for grant to Office |
| 490.1393 | Grant Scoring Committee: Appointment of members. information included in grant request |
| 490.1395 | Grant Scoring Committee: Review of application for grant by nonvoting advisers. |
| 490.140 | Submission of incomplete or noncompliant Grant Applications |
| 490.1405 | Ranking of Grant Applications |
| 490.141 | Determination of award of grant |
| 490.1415 | Posting of awarded grants on Internet website. |
| 490.142 | Submittal of requests. |

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| 490.1425 | Public meeting to hear requests. |
| 490.143 | Final decision on requests; posting of decisions on Internet website. |
| 490.1435 | Provision of Notice to Proceed to grantee; Program to monitor, evaluate and assist project. |
| 490.144 | Grant Agreement for completion; exception. |
| 490.1445 | Time limit for entering into grant agreement for completion |
| 490.145 | Proof of due diligence in moving forward with completion of project |
| 490.1455 | End-date for project. |
| 490.146 | Notification; satisfactory completion. |
| 490.1465 | Annual report |
| 490.1466 | Monitoring of past grant projects |
| 490.400 | Application for registration decal or renewal |
| 490.410 | Evidence or affidavit concerning payment of applicable taxes; payment of all applicable taxes and fees required for title |
| 490.440 | Expiration and renewal of registration decal. |

SILVER STATE OFF-ROAD ALLIANCE COMMENTS
Proposed NAC 490 Amendments
May 13, 2020 Workshop

I. Grant Applications

1. Add definition of "Director"
Suggested Language: **"Director" defined. "Director" means the Director of the State Department of Conservation and Natural Resources as created pursuant to NRS 232.030.**
2. Add definition of "Program"
Suggested Language: **"Program" defined. "Program" means the Off-Highway Program created by the Director pursuant to subsection 1 of NRS 232.1585.**
3. Add definition of "Facility": "Facility" defined. "Facility means. . .
4. **NAC 490.1295:** Add language after Director **"pursuant to subsection 3 of NRS 232.1585".**
5. **NAC 490.135:** Remove **"first"** and add language: **"before the Application will be considered by the Commission pursuant to NAC 490.141."**
6. **NAC 490.1355(2)(b):** Replace "Construction projects" with **"the project or facility"**.
7. **NAC 490.137:** Retain language in section 3 from NRS 490.068(3)(a)(3).
8. **NAC 490.1385:** Section 2 contains a reference to NAC 490.1393, which is being proposed for deletion.

Conflict between subsections © and (e)? Letters in support or additional information at the time of presentation before the Commission NAC 490.141. See proposed revisions to NAC 490.140.

Subsection (f) definition or reference to project types pursuant to NRS 490.069(2)(c)? (Expansion of project types under NRS for later date.)

Add new subparagraph language: **"The scoring sheet utilized by the Technical Advisory Committee and Commission"**

Subsection (h): Sample grant agreement?
9. **NAC 490.1393:** Concerns surrounding the elimination of NAC 490.1393(2) and in particular subsection (b) related to the "specific factors and criteria" the