

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eightieth Session
February 19, 2019**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 1:34 p.m. on Tuesday, February 19, 2019, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Daniele Monroe-Moreno, Chair
Assemblyman Steve Yeager, Vice Chair
Assemblywoman Shea Backus
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblyman John Ellison
Assemblyman Glen Leavitt
Assemblywoman Rochelle T. Nguyen
Assemblyman Tom Roberts
Assemblyman Michael C. Sprinkle
Assemblyman Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Michelle L. Van Geel, Committee Policy Analyst
Jessica Dummer, Committee Counsel
Joan Waldock, Committee Secretary
Alejandra Medina, Committee Assistant



OTHERS PRESENT:

Colonel John A. O'Rourke, Chief, Nevada Highway Patrol, Department of Public Safety
Carl Hasty, District Manager, Tahoe Transportation District
Katherine Miller, U.S. Army Colonel (Ret.), Director, Department of Veterans Services
April Sanborn, Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles
William Adler, representing the Pyramid Lake Paiute Tribe
Ernest E. Adler, representing the Pyramid Lake Paiute Tribe
Sean P. McDonald, Administrator, Division of Central Services and Records, Department of Motor Vehicles
Jude Hurin, Administrator, Division of Management Services and Programs, Department of Motor Vehicles
Mike Draper, representing the Tahoe-Douglas Visitor's Authority

Chair Monroe-Moreno:

[Roll was called. Committee rules and protocol were explained.] We will have our first presentation, which is an overview of the Nevada Highway Patrol, Department of Public Safety.

Colonel John A. O'Rourke, Chief, Nevada Highway Patrol, Department of Public Safety:

Before I get started, I would like to introduce Captain Todd Hartline and Lieutenant Colonel Daniel Solow who is in Las Vegas. One of our troopers was hit at a crash scene in Las Vegas over the weekend. He is okay; he was hit by debris while he was working the crash scene. He is the second trooper hit at a crash scene in less than a week. Both are expected to make full recoveries. It will take an extended time for the trooper who was injured in Reno to be back on the road.

The mission of the Nevada Highway Patrol (NHP) is to promote safety on Nevada's highways by engaging and educating the community and by providing law enforcement services [page 2, ([Exhibit C](#))]. Ultimately, our purpose is to reduce deaths on Nevada's roadways to zero. There is no other number that is acceptable to us. We will continue to educate the community and improve our efficiencies until we reach our ultimate goal.

The organizational chart [page 3], Budget Account 4713 for the Nevada Highway Patrol, shows we have 566 total positions, 477 of which are sworn positions with 89 support staff. There are 240 troopers in our Southern Command and 237 troopers in our Northern Command, with the state split down the center into north and south near Tonopah. Commercial enforcement has 55 positions, made up of 44 troopers, 7 sergeants, and

4 lieutenants. Traffic enforcement has 425 troopers. Budget Account 4721 funds the Motor Carrier Safety Assistance Program with a total of 15 positions—3 sworn positions in Northern Command and 12 support positions.

The NHP has three patrol performance metrics as a key component of our strategic plan [page 4]:

1. The mileage death rate (MDR) shows the rate for the number of persons fatally injured on Nevada's roadways relative to traffic volume. In 2017 the jurisdiction fatality rate was 0.52 fatalities per 100 million miles traveled, right at our projections. We have held our own at a time when there has been much fluctuation in our human resources.
2. The mileage injury crash rate shows the rate for the number of persons injured on Nevada roadways relative to traffic volume. In 2017, the NHP jurisdiction injury crash rate was 25.2 persons injured per 100 million miles traveled, a 20 percent increase over our projections.
3. The average number of motorist contacts per full-time sworn officer was 770 contacts in 2018, significantly higher than in 2017.
4. Here are some key statistics from the Office of Traffic Safety, Department of Public Safety (OTS):
 - Fatalities from crashes in Nevada rose 6.4 percent in 2018.
 - Fatalities from crashes on NHP's jurisdictional highways rose by 2.9 percent, from 138 to 142 between 2017 and 2018.
 - Jurisdictional fatal crashes decreased between 2017 and 2018 from 130 to 118, or 9.2 percent, meaning fewer people died in those crashes.

The next page [page 5, [Exhibit C](#)] is a snapshot of what the MDR looks like. The blue line on the bottom of the graph is the NHP MDR. The green line represents all of the other jurisdictions in the state combined. The line at the top is the total.

We will continue to educate the community and improve our efficiencies until we reach our goal of zero deaths on Nevada's roadways [page 6]. To accomplish this goal, our troopers vigorously enforce and educate on the violations that cause crashes. We have deemed these crash-causing violations the "Big Five": impaired driving, distracted driving, occupant restraint, speed, and hazardous moving violations. Our attention to these is paramount which leads to our motto, "Enforcement for a Purpose," the purpose being to save lives. We engage in activities that directly combat these poor driving choices including using our own programs, such as strategic focus plans, and collaborative efforts such as Joining Forces.

Our "4 Es" are education, enforcement, engagement, and enhancement [page 7]. They provide a blueprint to make sure we are reaching all areas of the community, internally and

externally, on our safety messages. Although these are some of NHP's biggest challenges, we look at them as opportunities to enhance our ability to execute our mission. Some of our challenges include [page 8]:

- The newly constructed sections of Interstate 11 and State Route 439—USA Parkway.
- Increasing volumes of vehicle miles traveled, registered vehicles, licensed drivers, crashes, and population resulting in an increase in response times to calls. In essence, we are running call-to-call with our current staffing levels.
- Retirements, retention, and recruitment are our biggest challenges. The pay disparity between troopers and local law enforcement is my largest concern. Without a substantial increase in pay, we will continue to lose our fine officers to other local law enforcement entities. We have lost 75 officers to other agencies in the past four years as officers have left for better pay. This is a conservative number, since some officers do not give a reason for leaving on their retirement paperwork.
- With service demand indicators going up and without proper staffing, performance indicators will likely trend in the wrong direction.

The graph [page 9, ([Exhibit C](#))] represents the percentage increase in NHP service demand generators from 2009 to 2018 compared to the percentage increase in the staff of new sworn troopers available to the Nevada Highway Patrol over the same period. We received our last allotment of troopers in 2008.

As a statewide law enforcement agency, the NHP primarily serves motorists using Nevada's roadways. Demand on NHP resources is driven by several factors including service area; traffic volume, which is up 30 percent; crashes, up 26 percent; tourism, up 15 percent; the number of licensed drivers in Nevada, up 18 percent; registered vehicles, up 18 percent; and population served, up 11 percent. Much like in any business, changes in demand on resources impact the provision of our services and the ability to achieve our goals and objectives.

The next page [page 10] shows a picture of two of our K9 Unit dogs. We have five dogs: one Belgian Malinois, one Labrador retriever, and three springer spaniels.

We were one of the first agencies in the state to start using unmanned aerial vehicles (UAVs) [page 11]. They have helped us clear accident scenes more quickly than we thought possible. With new technologies, we believe we will be expanding this program in the future. The technology helps us with scene photography, photogrammetry, and efficient reconstruction. The benefits include traffic incident management, reduction of secondary crashes, and getting first responders away from scenes more quickly than previous methods we used. In the past, we needed three people to use one device for taking measurements; now, we have one UAV operator doing that.

I am proud of our community partnerships [page 12]; we are integrating into our communities. We began our partnership with the Nevada Donor Network in November 2015. In fiscal year (FY) 18 and FY 19, there were 86 referrals and 23 confirmed donations from fatal car crashes. These donations potentially impacted more than 675 people. We have received multiple awards, including the Collaboration Partner of the Year 2018, the Infinity Award in 2018, and the Platinum Workplace Partnership for Life Award in 2018. All advanced academies are required to do a community service project. During FY 18 through FY 19, they registered over 2,000 new organ, eye, and tissue donors making Nevada the nationwide leader in this area with Nevadans helping Nevadans.

Our staff provides mentoring with the support of the Nevada Promise Scholarship and Veterans Treatment Court. We teach teen driving safety through the D.R.I.V.E. Program and Driver's Edge. We have a new DUI enforcement team—the DUI Strike Team in Las Vegas. In its first quarter of operation, we made 300 arrests for DUI.

We have done Department of Motor Vehicles and American Association of Motor Vehicle Administrators presentations on our human trafficking effort, both regionally and at national conferences.

The NHP Southern Command responded to the terrorist attack on October 1, 2017 [page 13, ([Exhibit C](#))]. Over 100 personnel responded to the event, providing essential first response capability to local agencies. The response included tactical support, triage and first aid, site security, and traffic control. Trooper Adam Whitmarsh was recognized for his heroic efforts that evening and was named 2018 International Association of Chiefs of Police Mountain Pacific Trooper of the Year.

The NHP provides continued task force and mission support for High Intensity Drug Trafficking Area, OTS, United States Marshals Service, and uniform traffic control—including contract services and the Waste Isolation Pilot Program. The NHP is the first nonfederal partner to team up with Homeland Security Investigations to combat human trafficking.

I would like to point out NHP's modernization of commercial vehicle inspection stations. We are planning the first commercial vehicle safety inspection station on Interstate 15, between Primm and Las Vegas. We are proud to finally have something in the works to get trucks off the roadways and inspected properly at a great weigh station.

At the last advanced academy graduation, we caught Governor Steve Sisolak completely off guard. I asked him to join us in a graduation photograph [page 14]. By March 1, 2019, a total of 159 NHP troopers will have graduated over the last three fiscal years.

During the 2017 to 2019 biennium, NHP provided 17 dignitary protection services [page 15]. That included five visits by the President of the United States, five visits by the Vice President, one visit by a former President, and six other visits in which support was requested by the U.S. Secret Service.

Chair Monroe-Moreno:

Are there questions from the Committee?

Assemblyman Yeager:

In this Committee, we recently talked about distracted driving, which you mentioned on one of the slides. Do you have any data and/or thoughts on ticketing drivers for using cellular phones? Is there any data on how often you cite drivers? What are your thoughts about how that law is written? Are there any perceived difficulties in enforcing the law?

John O'Rourke:

We have difficulty enforcing that law. While driving down the road every day we see people talking on their cell phones. A lot of drivers hold their phones in their laps. Our troopers have to actually see the driver speaking on a phone. Our troopers can see drivers looking at their laps; but, when asked in court what they saw, they can only report the drivers were looking in their laps and had their phones in their hands when pulled over.

We do not have real data on how many crashes occur because drivers are using their cell phones. We know it is happening, but people are not honest with us when we arrive at the crash scene. Some drivers tell us they were looking at their phones, but most do not. Distracted driving is difficult for us. In 2017 we wrote 11,944 citations for drivers using cell phones; in 2018 we wrote 13,509. We cite a lot of drivers, but people still use them. Everyone knows it is a problem. The percentage of drivers using cell phones is high.

Assemblyman Yeager:

The number of citations written is higher than I thought. You cannot speak to the number of drivers prosecuted and convicted, so I will ask someone else that question. When your troopers are writing tickets, how do they decide whether to write the ticket under *Nevada Revised Statutes* (NRS), county ordinance, or city ordinance? Is there a decision-making matrix involved? Is there policy that tells troopers how to specify which violation to include on traffic tickets?

John O'Rourke:

We write most tickets based on NRS. We can also write infractions under municipal codes. I believe I can pull the percentage information from our system. I would wager the vast majority of our citations are by NRS.

Assemblyman Wheeler:

What is the retention rate for NHP? For years, we have seen municipalities use NHP as a training ground, offer officers more money, and steal them from you. Is the situation getting any better?

John O'Rourke:

It is awful. Seventy-five officers in four years have left. We are the training ground for other agencies. I would like to point out that a Peace Officer Standards and Training (POST) Category I certificate is a POST I certificate. No matter if you work for the NHP, the Reno Police Department (RPD), or the Las Vegas Metropolitan Police Department (Metro)—when you graduate from training you receive a POST I certificate. We are all trained at the same levels for the POST certificate.

Assemblyman Wheeler:

What can we do to help improve the retention rate? What does it actually cost to train and keep recruits through their POST I training?

John O'Rourke:

I could talk to you for a long time about what I believe needs to happen. We have done an internal white paper study at the Highway Patrol and at the Division of Parole and Probation, Department of Public Safety. The white paper explains what we believe our pay disparity issues are. I can provide that to members of the Committee, and I can go over it in detail.

Chair Monroe-Moreno:

Please send it to the Committee.

John O'Rourke:

I will send it.

Assemblywoman Bilbray-Axelrod:

In previous legislative sessions, we have discussed pulling over to the side of the roadway after an accident. In light of your statement about troopers injured at crash scenes, could this be a solution?

John O'Rourke:

Are you asking if the law that requires pulling over when you see a crash would help us?

Assemblywoman Bilbray-Axelrod:

No. In previous sessions, we have discussed having motorists pull over to a safe distance after noninjury accidents.

John O'Rourke:

Pulling off to the right when there are no injuries helps us greatly, and it helps traffic flow. Even though our troopers are positioned safely, our vehicles are routinely hit. Our troopers are very good at paying attention, but as the colonel of the Highway Patrol, two injuries in one week is scaring me. It is good practice, when involved in a property damage crash, to get off to a safe place—not just to the right, but to a safe place.

Assemblywoman Bilbray-Axelrod:

It is not in statute; we are just asking motorists to do that. On page 13 ([Exhibit C](#)), under a new/continued grant/cooperative agreement, you mentioned U.S. Immigration and Customs Enforcement (ICE). Under the bullet point is a reference to human trafficking. Is that your cooperative agreement or do you have a cooperative agreement with ICE?

John O'Rourke:

The only thing we are doing with ICE is working on human trafficking. We just started the program. We have dedicated a trooper and two part-time troopers in Las Vegas to work on human trafficking. We want to start one in the Reno area, which is a high human trafficking area. We will work with the Federal Bureau of Investigation to establish a task force up north, but it has not happened yet.

Assemblyman Ellison:

I drive on Interstate 80 often—between Elko and Carson City twice a week. I see more truck drivers than drivers of cars using cell phones. This is one of the most dangerous things I have run into lately. I called 9-1-1 on two semitruck drivers—I did not know if they were impaired or drunk while driving.

I put in a bill draft request last session and resubmitted it this session. The bill would fund a study based on information from the Highway Patrol, the Department of Transportation (NDOT), and other agencies. The bill would look at salaries. Right now, I can drive a five-ton truck snowplowing at 2 or 3 a.m. but can make more money driving a taxicab and receiving tips. That is one reason we are losing people. The mines recruit officers as quickly as we train them. It is the same with police.

John O'Rourke:

I agree with you. We pull truck drivers over for using cell phones while driving just as often as we pull over those driving cars while using cell phones.

Regarding disparities in pay, most do not understand one key piece. Our officers' base salary includes the Public Employees' Retirement System of Nevada (PERS) contribution. When officers sign on, they believe they will earn a certain rate of pay as newly assigned officers. The PERS contribution for state officers and firefighters is paid entirely by the employee. Other agencies pay the PERS contribution for their employees. This information is in the white paper I will be sending you. Our officers are surprised when they receive their first paychecks because the PERS contribution comes right off the top. Right now, the contribution is 20.75 percent; starting July 1, it will be 22 percent.

Assemblyman Roberts:

Thank you for what you do. You run a quality organization and are doing some innovative things in the south. We took a tour of the Regional Transportation Commission of Southern Nevada facility to see what you are doing there.

How many vacancies do you have for sworn positions? I see that you graduated 8 or 12 in your recent class, but I gather you are carrying vacancies and are having trouble recruiting.

John O'Rourke:

As of January 3, we have 45 vacancies out of the 477 sworn positions, a 9.4 percent vacancy.

Assemblywoman Backus:

Does your white paper analyze the loss to the Department of Public Safety for training each individual officer you lose?

John O'Rourke:

I do not believe we made that comparison in our white paper. We have made a conservative estimate that it costs between \$60,000 and \$80,000 to train an officer. That covers only the pay for the officer while at the academy and working with a field training officer (FTO). The academy is 16 weeks long; the advanced academy is another 10 weeks; then there are 16 weeks of FTO—42 weeks of training before officers are out on their own. We based the cost on those 42 weeks of pay. We did not include instructor pay, the FTO pay, or the other training that goes along with it. The figure used includes benefits.

Assemblywoman Backus:

Where are you recruiting? Are you going outside of the state?

John O'Rourke:

We do all kinds of things. We are innovative with our recruiting efforts, using social media and inviting members of the public to test for us at our facilities in Reno, Elko, and Las Vegas. Bringing people in-house to test has been our most successful program so far. When we go outside the state, we have not been as successful. Most of our candidates come from Nevada. We get a few, here and there, who come from out-of-state. We are competing with Metro, the City of Henderson, the RPD, and Washoe County for the same people.

Chair Monroe-Moreno:

First, I am going to apologize because for years I worked background with an agency and I stole a lot of your people. What is the starting salary for NHP?

John O'Rourke:

Our starting trooper salary is \$49,000. When you remove the PERS contribution, that drops to about \$38,000.

Chair Monroe-Moreno:

As you lose troopers, are some areas of the state more affected than others? Are you hurt more in rural areas or in urban areas?

John O'Rourke:

We lose all over the place. Elko and Winnemucca lose troopers to the mines. In the Las Vegas and Reno areas, we lose troopers to local law enforcement agencies. In rural

areas, we underpay compared to shops and rural agencies. In Las Vegas, we lose troopers to Metro, the City of Henderson, and the City of North Las Vegas. We have also lost quite a few to the Clark County School District Police Department. In the north, we have lost troopers to RPD, the City of Sparks, and Washoe County. I know a lot of troopers who have left the Highway Patrol. I have confirmed with several of them that if there were some relief, they would come back to work here. We are a good organization to work for, and I know we would get some people back if we saw some sort of relief.

Assemblywoman Nguyen:

I do not want to put you on the spot to answer this. Knowing you are losing all these people to comparable situations, would collective bargaining help establish appropriate pay and benefits commensurate with the services they perform?

John O'Rourke:

The Governor spoke about this. Whatever he wants, this colonel supports.

Chair Monroe-Moreno:

We will now have an overview of the Tahoe Transportation District.

Carl Hasty, District Manager, Tahoe Transportation District:

I am here to give you a quick overview of the Tahoe Transportation District (TTD) ([Exhibit D](#)). As many of you know, we are a recreation area for a large urban area known as the Sierra Pacific Megapolitan Region that stretches from the San Francisco Bay Area to northwestern Nevada [page 2]. We are its drive-up market. We are challenged by about 10 million visitor vehicles each year. When you combine our Tahoe area with Truckee, we only have about 70,000 permanent residents. Our second-home owners and commuting workforce comes from the Reno area. We have a lot of day use. Transportation is extremely important to the protection of the environment at Lake Tahoe. In California, there is more talk about greenhouse gas; Lake Tahoe is affected by that and the policies that go along with it. As part of the built environment, 70 percent of the fine sediment that affects lake clarity comes from the road system and the developed areas [page 3].

The TTD is a bistate special district. We work within the Lake Tahoe Basin [page 4]. We are here to help visitors and residents enjoy their quality of life and to protect the lake. We partner with all of the agencies in both states, including the Tahoe Regional Planning Agency (TRPA). We were established in 1980 by a revision of the Tahoe Regional Planning Compact, Public Law 96-551, to focus on implementation [page 5]. The Tahoe Regional Planning Agency does transportation planning. It is also the metropolitan planning organization (MPO) under the federal planning law. In California, it is also the regional transportation planning agency. We work with them to identify what needs to be done. A lot of our work is filling gaps. We address transportation system components, roadway improvements, transit and parking, bicycle and pedestrian facilities, and amenities. The name of the game at Tahoe and per the direction of the compact is multimodal—to provide alternatives to the automobile.

Our district board is made up of 11 members from all of the local jurisdictions—6 on the California side and 5 on the Nevada side [page 6]. We are part of five counties; we have one small municipality in California. We have three private sector members. Both NDOT and Caltrans [California Department of Transportation] are ex-officio members, which is a great way for us to coordinate with them on the larger transportation network.

We did some work with AirSage, Inc. a few years ago [pages 7-11]. The map [page 8] shows the origin of visitors to the region in February. You will note the darker colors in the northern parts of Nevada and California and in the south. There is a fair amount of visitation from those areas. The chart [page 9] indicates how long people stayed when they came to the area. We have experienced, and will continue to experience, day use due to urban growth around us from both California and Nevada residents. We are part of everyone's backyard. In July, the colors become more intense [page 10]. You can see the importance the Tahoe area plays in the country, as well as in the states of California and Nevada. When you stack the July visitation and length of stay with February's, it is surprising how similar they are [page 11].

I do not expect you to see everything on page 12. We are looking at our transportation network with two states, between the Interstate 80 corridor and U.S. Highway 50—a large urban demand on a rural highway network. It is a big challenge for everyone. Eventually we want to connect our greatest drive-up market and to provide an alternative so visitors can get to Tahoe without their personal vehicles [page 13, [Exhibit D](#)]. The plan is slow in coming and needs help. How will we get there [pages 14-19]? I will share what I have shared with the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. The primary transportation partners at Lake Tahoe can be found on page 15. The right-hand column shows planning function, whether there is a funding mechanism available, and whether there are program dollars. Near the bottom of the chart, you will see two entities that are not bringing much to the table in terms of their own funding authority—one is TTD. We have a funding authority within the compact, but it is not very workable. That is an issue, I believe. The Forest Service, U.S. Department of Agriculture, under the Fixing America's Surface Transportation (FAST) Act, is a partner that does not come near to enjoying what the National Park Service enjoys when it comes to transportation dollars, which the Park Service would tell you is not nearly enough. Since 78 percent of the land at Tahoe is owned by the U.S. Forest Service, we try to partner with them. We would all like to address the federal side of funding.

When you look at the regional transportation plan the TRPA prepared for Lake Tahoe through 2040, you see a constrained revenues list, which means we have a relatively good idea it will be funded at about \$2 billion for improvements, both in transit and capital needs [page 16]. That breaks down in the graph [page 17]. The largest portion of the ring is the 51 percent relating to transit. The only way we will get to the numbers we need is to provide an alternative form of transportation for people, the way a lot of successful mountain resort communities have done. Once people get to the mountain, they park their vehicles and ride transit, which is typically free and frequent; everyone uses it. We have yet to arrive at that at

Lake Tahoe. We need it if we are going to connect Tahoe and provide a better alternative than what we have now. Transit is a big component of this regional transportation plan.

The funding box is shown on page 18. There are many gaps, which is not uncommon for many jurisdictions. We are looking at the local side of the funding. Since my board is comprised of all the local jurisdictions and the private sector, we have started to look at how to do this. State, federal, and existing local sources are well known [page 19]. The need outstrips what the permanent residents can afford to do. One Tahoe, a self-help transportation funding initiative, is underway [pages 20-27]. As stated earlier, we are part of five counties, so none of the mechanisms available to counties or municipalities work well at Tahoe, any more than district authority does. We are anticipating a future need.

Our travel patterns are typical, but not in some circumstances [page 21]. When we have winters like the one we are having and Interstate 80 is closed, drivers try to shift to U.S. 50, which is one lane in each direction. There can be traffic jams for days. I have had employees unable to get their children to school the day following a closure because they are still waiting for destination traffic to leave. They are afraid to leave their neighborhoods because they might not be able to get back home.

There are more than 50 million vehicle trips to Tahoe annually. Visitors account for 75 percent of vehicular trips; 25 percent of the trips are by residents. We are anticipating what will continue to happen with growth. Mitigating congestion is vital [page 22, [Exhibit D](#)]. The One Tahoe initiative will look at how to begin to fill the gap for our regional transportation plan [page 23]. This project will look at working through the entire calendar year with all of the constituents at Tahoe and learning their ideas of what might do the job [pages 24-25]. That should provide us with a road map. We are looking at what is internal and external to the basin since our constituents are coming from outside the basin. We are looking at the calendar year [page 26]. We will not complete our work until after the Legislature is finished for the session. We may be coming back next session to talk about the plan in more detail.

In the meantime, we are asking you to check out our website [ONETAHOE.org] and to provide your ideas [page 27]. The 50-plus million vehicle trips put urban demand on a largely rural highway network. Visitors are not the problem—vehicles are. We love the visitors. We all contribute to the problem. I contribute to the problem by commuting in and out of Lake Tahoe. I have a responsibility to try to make this plan work. We know what needs to be done. The public has given input on many transportation plans; TRPA does a great job of rolling this all up into the regional transportation plan. We know what the viable solutions are. As I noted, the people of California are determined to do something about climate change, addressing it in their regulations, policies, and funding. When it comes to climate, traffic congestion, and trying to reduce greenhouse gas emissions, we have a part to play at Tahoe. The usual community method of driving to work on a large road network does not exist at Lake Tahoe. The vast majority of our visitors come from Tahoe itself, even though many come from all over the country and the world. Tahoe's essential factor is the high quality of life enjoyed by residents and visitors. We are looking at

transportation as a serious challenge to the Tahoe experience. We do not want the experience to decline in any way. The district and other partners are working on ways to address the needs at Tahoe—for now and for the future.

Chair Monroe-Moreno:

Are there any questions from members of the Committee?

Assemblywoman Bilbray-Axelrod:

On page 15, you list transportation roles at Lake Tahoe. Would you please tell me the difference between the TRPA's funding authority and yours?

Carl Hasty:

The Tahoe Regional Planning Agency's (TRPA's) funding authority is as the designated MPO under federal law. They receive formula funding under the FAST Act for capital projects and for transit. They program the dollars. They put out a call for projects, then do the programming of those funds. Funding authority for the Tahoe Transportation District (TTD) was attempted twice in the 1980s. The TTD has a sales tax authority that must be executed in all jurisdictions on both sides of the state line successfully at the same time. As one might imagine, that did not work too well. If TTD is going to be a partner, it will need to change into something that could be effective. We do not fit a good model anywhere in the two states, so the two legislatures may need to authorize it.

Article 9 of the Bi-State Compact gives TTD its authority. It is the one article in the Compact that can be changed by the two states without having to go to the United States Congress.

Chair Monroe-Moreno:

Are there any other questions from members? [There were none.] I will now open the hearing on Assembly Bill 28.

Assembly Bill 28: Revises provisions governing the evidence satisfactory to declare status as a veteran on an instruction permit, driver's license, identification card or commercial driver's license. (BDR 43-242)

Katherine Miller, U.S. Army Colonel (Ret.), Director, Department of Veterans Services:

Here with me today are John Lusak, our Information Technology Manager, and Kim Donohue, who supports our digital outreach efforts and is our Veterans Suicide and Homelessness Prevention Program Manager, Department of Veterans Services (NDVS) Organizational Integrator.

As you are aware, veterans are eligible for many federal, state, local, and nongovernmental services. These programs range from employment and health care benefits, to support for veterans' families, homelessness and suicide prevention resources, and many more. The challenge Nevada and other states face is finding and informing veterans of these benefits.

In 2013 we began the first steps to create a database of veterans information to locate and assist our veterans. If we cannot locate them, we cannot inform them of their benefits. The database is called the Veterans Information System (VIS). We received a federal grant from the U.S. Department of Veterans Affairs, Office of Rural Health, to create VIS. The primary sources of information for VIS are the Department of Defense's discharge data that is sent to us electronically; State Registrar of Vital Statistics data, informing us if a veteran has passed away; and Department of Motor Vehicles (DMV) contact information.

There were many steps to making this happen, but key among them was collecting and sharing data. In 2013 to allow DMV to share data with us, Senate Bill 244 of the 77th Session was passed. Sponsors included Senators Spearman, Hardy, and Parks and joint sponsors included Assembly members Ellison, Wheeler, and Bustamante Adams. The bill authorized an honorably discharged veteran to obtain a designation on his or her driver's license indicating veteran status. It also required DMV, on a monthly basis, to submit data to NDVS so we would have the veteran's contact information. Veterans were not required to indicate veteran status; but if they wished to, they could indicate it on the application and the information would be sent to us.

In 2014 we were informed that the Department of Defense would no longer be sending states a paper copy of a veteran's discharge document; they would only send the electronic data. Each month since 2014, the Department of Defense has sent us a list of veterans who indicated they were moving to Nevada. We currently have 13 volunteers who are manually scanning over 80,000 archived discharge documents for Nevadans. Eventually, we will have a good start on the veterans who are in Nevada.

The State Registrar of Vital Statistics is providing our agency with the data needed to identify veterans who have passed away. Even if they passed away, we want to have their information so we can reach out to spouses and children if there are survivor benefits.

With that as background, Assembly Bill 28 will allow the DMV to accept electronic verification of a veteran's status, to include character of discharge, from the Veterans Information System. This will help when a person indicates veteran status but does not have the paper discharge document for DMV. It will take some time for DMV to set up the systems; it does not need to happen overnight. As we go away from a paper world to a paperless world, being able to validate this electronically will become important.

As we were staffing this bill, DMV commented that some language in the existing statute governing the release of veterans information was vague and would benefit from an interlocal agreement. This agreement would specify what information would be sent to the NDVS. For example, we do not need the voter information on the driver's license application; there is no reason to put that information into VIS. With the approval of the Office of the Governor, we submitted an amendment ([Exhibit E](#)) that would require that the interlocal agreement state specifically what data would be collected and sent to us.

In conclusion, I am excited to report that VIS is functional, and we are starting to use it to locate and inform Nevada veterans of benefits and services. As we add more data to VIS, we will get closer to our goal of ensuring that all veterans and service members in Nevada and their families have information about benefits and services that will enrich their lives.

Assemblywoman Bilbray-Axelrod:

Why was the language changed from "the person" to "he or she" [page 2, lines 26-27]?

Kat Miller:

I do not know. To me, a veteran is a veteran. I would want to use whatever language ensures that we capture all of our veterans data.

Assemblywoman Bilbray-Axelrod:

Could our legal counsel explain the change?

Jessica Dummer, Committee Counsel:

The change was likely made for consistency with the rest of NRS and for clarity.

Assemblywoman Bilbray-Axelrod:

I am curious since this is highly charged language. I would like to continue to look at that aspect.

Assemblyman Sprinkle:

How would this enhance the current process, or is there a problem with the process now?

Kat Miller:

There is a problem right now. A veteran will show up at DMV wanting the designation, but not having the hard copy of the DD Form 214 [Certificate of Release or Discharge from Active Duty]. Veterans do not often carry the form with them. The way the statute is written, a retiree's ID card will work. If you are not a retiree or if you do not have your paper discharge document with you, you cannot establish eligibility. This would give the DMV another option. In the past, the Department of Defense would send a hard copy to the state. States could look in the archives for information on veteran status. That option will not be there anymore. If someone does not use the Veterans Information System, there is no way for us to verify status unless the veteran provides the hard copy of the discharge papers. We are the central point in the state to receive this data. County assessors or cities could use the data to determine eligibility. Its use could be expanded through memoranda of understanding. This is the first step we have taken to share the digital data with another agency. Because DMV specifically stated they must have the paper copy of the DD 214, a statutory change was required.

Assemblywoman Backus:

Would this allow DMV to access the electronic data, or would the veterans be responsible to bring the data to you?

Kat Miller:

Right now, the statute addresses the veteran being able to add the word "veteran" to a driver's license. The way the statute is written, the onus is on the veteran to present the DD 214 discharge document. This would allow the DMV to go to a screen, input the veteran's name, and see the type of discharge. The information would be used by DMV if the veteran did not have discharge documents. The clerk at the DMV would access the database.

Assemblywoman Backus:

I wanted to be sure that was the clear intent.

Kat Miller:

Phase 2 will contain a front-facing application on which the veteran will be able to choose to make data available to selected states. That would allow us to know more. The front-facing application would provide additional information.

Chair Monroe-Moreno:

Other than interlocal agreements, are there any other options to accomplish the same goal?

Kat Miller:

Yes. The Department of Defense requires our agency to have an agreement with anyone who accesses this data in order to protect the data. We are required to enter into a memorandum of understanding with any agency that we allow to access the data. The DMV calls such an agreement an "interlocal agreement." Since that is the term they preferred, we used it. The instrument from the Department of Defense is very specific, guiding what has to be in it. Between our two agencies, if there are other protections we want to add, we will. It is required by the Department of Defense that we have a written agreement in order to share that information.

Assemblyman Wheeler:

I have a question about the language "or other evidence satisfactory to the Department" [page 2, lines 34-35]. When I went in to DMV and was asked if I wanted the veterans stamp on my card, I pulled out a Veterans Administration (VA) card. Obviously, if I am receiving medical care at the VA, I was honorably discharged. I was told they required the DD 214. This bill says "other evidence." Would that now include a VA card?

Kat Miller:

The VA card does not indicate the character of discharge. You can be treated by the VA with an other than honorable discharge and not be eligible. That card is not satisfactory proof of character of discharge. If the name of the Veterans Information System changed to the "Nevada Service Members Database," the database NDVS maintains would still have information on the veteran and the character of discharge that would be critical. Under state statute, a veteran must have other than a dishonorable discharge to be considered a veteran. For the purpose of the veteran designation on a driver's license, the veteran must have had an honorable discharge. The value to DMV is that this database shows the character of discharge in addition to validating that the person is a veteran of the armed forces.

Assemblyman Leavitt:

Does the database DMV would be using already exist? Is there a fiscal impact involved in implementing this at DMV?

Kat Miller:

It is a web-based application. That would not be the cost. As DMV works through the protocols, there could be a fiscal impact. I defer to DMV on this; DMV has the fiscal note on it. The fiscal note is not for developing the web application; it is for how DMV will pull it up and how it will display on their screens.

Assemblywoman Bilbray-Axelrod:

Many veterans' records at the National Personnel Records Center, Military Personnel Records, were destroyed in 1973. My father's records were destroyed in that fire, so the only thing he has is the NA Form 13038 showing he was honorably discharged. Would that be satisfactory evidence?

Kat Miller:

I will have to get back to you with an answer to your question. We have a long list of records we have given to DMV that can be used in lieu of the DD 214. If a veteran does not have one of the discharge documents, we help reconstruct them. Any of our veteran service officers can do that.

Assemblywoman Bilbray-Axelrod:

That is how he got the NA Form 13038.

Kat Miller:

I will get back to you.

Chair Monroe-Moreno:

Would you please get that information to the Committee? There are representatives of DMV in the room who might be able to answer the question. In addition, what other forms of ID would be accepted for this designation? Who makes the determination—NDVS or DMV?

Kat Miller:

The Nevada Department of Veterans Services provides DMV with the list of acceptable discharge documents.

**April Sanborn, Services Manager III, Division of Management Services and Programs,
Department of Motor Vehicles:**

The NA Form 13038 is an acceptable document. There are 19 forms we will accept as proof of honorable discharge. I would be happy to provide that list to the Committee.

Chair Monroe-Moreno:

That would be great. Are there any other questions from Committee members? [There were none.] Is there anyone who would like to testify in support of A.B. 28? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone neutral?

William Adler, representing the Pyramid Lake Paiute Tribe:

We have a neutral position on the bill itself. We have a one-line amendment to this bill because it covers the same ID issue for the Pyramid Lake Paiute Tribe that we brought up in previous sessions. Assembly Bill 415 of the 79th Session and Senate Bill 399 of the 79th Session both dealt with the acceptance of tribal ID cards. Much like this veteran ID bill, the tribal ID gets caught in the different layers of government minutiae with state and federal governments. We supplied a copy of the amendment to the Committee ([Exhibit F](#)). My partner will go over the history of tribal ID, then I will explain what a tribal ID is.

Ernest E. Adler, representing the Pyramid Lake Paiute Tribe:

Senate Bill 399 of the 79th Session established tribal ID as an official ID for Nevada. There was a glitch in the bill. The card cannot be used for an ID to get a driver's license. That is strange, since the Transportation Security Administration (TSA) recognizes the tribal ID card as acceptable for boarding an airplane. This cleanup amendment states that DMV can promulgate regulations under which a tribal ID is an acceptable form of identification for getting a state ID card or a driver's license. We are trying to fix the glitch in the bill from last session. The language came from DMV; it is the language they would use to correct the situation.

Tribal IDs are a valid form of identification because you not only have to show that you were born into the tribe, you have to trace your ancestry back to the 1935 Indian Census Rolls to show you are related to those people by close enough blood quantum to qualify to register with the tribe. You have to do genealogical research to prove that you are a valid member of the tribe. That should be more than enough to prove your identification for a driver's license or ID card in Nevada.

Chair Monroe-Moreno:

We heard both of those bills last session in the Assembly Committee on Government Affairs. When we left here, we thought this issue was solved. Would you explain to the new members on this Committee the process involved in getting a tribal ID?

William Adler:

Nevada has not recognized Native American tribes' right to issue their own ID cards. It has been common in the United States that subcategories of tribal documents are not officially recognized at the state level. Tribes are sovereign nations inside of states, which is a bit confusing. They have their own governance but are also regulated by the federal government which allows them to issue cards identifying members of their tribes. The Pyramid Lake Paiute Tribe started its own tribal ID card program. Their card lists height, weight, carries a photograph and a hologram—everything you would see on a Nevada state-issued ID card is included. After issuing these cards, they realized the cards could not be used anywhere in the

state but could only be used on the reservation—they are not accepted as ID at banks, bars, or pharmacies. Only the federal government recognizes them. As my partner mentioned, they received permission from TSA and the federal government to use them as REAL ID for getting on airplanes, but they cannot be used in Nevada.

In order to get a tribal ID, you have to apply to the tribe; show your genealogy, providing a historical link to original tribal rolls from 1935; and prove your tribal heritage in front of the tribal council. Any member of the tribe can question your heritage, and you will have to prove yourself with a genetic test that shows your genetic relationship to the tribe. Currently that means you must be 25 percent or above in blood quantum count to be a member of the Pyramid Lake Paiute Tribe. This is the toughest ID to get in the state of Nevada. Other IDs do not require a blood test as backup if anyone questions your relationship to the tribe. It is a long, strict process. The tribe produces an excellent ID. I will send a sample to members after the meeting.

Assemblywoman Backus:

I am an enrolled member of a tribe outside the state of Nevada. I remember when A.B. 415 of the 79th Session passed. There were details in the bill that provided for vital statistics. My tribal ID does not include that information, but it has my photograph and my tribe's hologram. There are many tribes in Nevada. Do you know if all Nevada's tribes' ID cards are up to the standard of the Pyramid Lake Paiute Tribe's card? The amendment language provides for Nevada tribal cards to be accepted as ID.

Ernest Adler:

The Pyramid Lake Paiute Tribe's ID card conforms to current Nevada statute from S.B. 399 of the 79th Session. Most tribal IDs contain the factors contained in statute. This amendment allows DMV to recognize tribal IDs for the purpose of obtaining state IDs. If a tribal ID does not conform to those requirements, it would not be acceptable for a state ID.

William Adler:

Tribes within Nevada have some regulatory oversight from the state; tribal communities outside of the state are their own independent sovereign nations. Assemblywoman Backus' tribal ID may or may not meet the requirements; the state of origin would determine whether it was an official state ID. Across the country, the Pyramid Lake Paiute Tribe's is the second tribal ID program. In Nevada, we have set a high bar for the minimum requirements for tribal IDs to make sure they are acceptable. Some tribal IDs show the tribe and only a name, with no address of the tribal member. That would not be usable in common identification situations. We set the bar high so that the card would be equivalent to a state ID and be accepted everywhere as an ID.

Assemblywoman Backus:

Is the intent of the phrase "photo Nevada tribal identification card" to comport with Nevada law regarding how it is defined?

Ernest Adler:

That is correct. Out-of-state tribal ID would not qualify.

Chair Monroe-Moreno:

Thank you for letting the Committee know the steps involved in attaining a tribal ID and for the time you have taken to educate me on the issue. As I looked at the bill after we met, comparing the amendment to the language of the bill we heard earlier, I am not sure if what you are trying to accomplish would fit into this bill. I am looking at other bills that might align better. I have an idea for you; I would like to meet with you later to do that. This is an issue I am committed to helping you solve.

Is there anyone else who would like to testify as neutral to the bill?

**Sean P. McDonald, Administrator, Division of Central Services and Records,
Department of Motor Vehicles:**

With me are Jude Hurin, Administrator of the Management Services and Programs Division, and Tonya Laney, Administrator of the Field Services Division. The three of us are here to say we are neutral to the bill as drafted. We worked with Director Miller on fine-tuning it. As the database the Nevada Department of Veterans Services (NDVS) is creating evolves, we will integrate it into our modernization efforts. We have been working with the Adlers on their amendment. Everyone involved has been transparent on this, and we have made a lot of progress.

Chair Monroe-Moreno:

Earlier, a Committee member asked about a fiscal note. Will there be fiscal note on this bill?

Sean McDonald:

There is no fiscal note. There is no fiscal impact; we can integrate what is proposed into our efforts moving forward. As we begin with the regular database entry, we will have access to that information. As we integrate with the NDVS database in order to get additional details, we do not foresee any fiscal impact.

Assemblyman Sprinkle:

In one of our other committees, we have been hearing about your system upgrade. Do you foresee your overall system upgrade being able to handle what would be required for this bill? Will that generate concerns, fiscal or otherwise, later?

Sean McDonald:

No, we do not see any fiscal impact based on our discussion with Director Miller of NDVS regarding the information we will be exchanging. This will be a good tool for our team at the DMV to be able to access information, and it will be good for our veterans.

Chair Monroe-Moreno:

When we left here at the end of the 79th Session, we thought we had this issue taken care of with S.B. 399 of the 79th Session and A.B. 415 of the 79th Session. Apparently, there were

issues after the session so that DMV was not able to implement and accept tribal IDs. Can you tell us how we can avoid that, so when we leave this session it is fixed?

**Jude Hurin, Administrator, Division of Management Services and Programs,
Department of Motor Vehicles:**

When we met with the Adlers, we reviewed S.B. 399 of the 79th Session. The sections it addressed did not include *Nevada Revised Statutes* Chapter 483, regarding drivers' licenses. We have been working with them on draft legislation to accommodate that language. As Mr. McDonald indicated, we have had great discussions with them and are addressing language that allows us to work in regulatory means to create a program with the tribes, going through a review of their protocols for creating tribal ID. We are gauging their process against our acceptable documents to create a proper accountable ID credential. We are on the right path. We look forward to working with the Adlers as we build regulations around what they propose. Some tribes are superb in how they approve membership based on the credentials required to prove who the members are. That is what is important to the DMV. It is our responsibility to make sure that before we create any credential, we know who is before us.

Chair Monroe-Moreno:

You have seen the amendment the Adlers presented. Do you agree with the language in the amendment?

Jude Hurin:

Yes. We provided the language.

Chair Monroe-Moreno:

I want this solved. Once we are able to find the bill this amendment will work with, can you give me a timeline for implementation so that when I get here next session this is a problem that has been solved?

Jude Hurin:

The timeline will be based on the regulatory process. I do not think it will take us long to create the language. I would say we should have the regulations in, adopted, and implemented internally by January 2020.

Chair Monroe-Moreno:

Please know that I will hold you to that.

Are there any questions from the Committee? [There were none.] Are there any other comments by those neutral? [There were none.] I will close the hearing on Assembly Bill 28 and open the hearing on Assembly Bill 98.

Assembly Bill 98: Revises provisions relating to the convention center to be planned, constructed and operated by the Tahoe-Douglas Visitor's Authority. (BDR S-440)

Assemblyman Michael C. Sprinkle, Assembly District No. 30:

I am here to present a bill that came out of the Interim Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. I was chair of that committee.

You have had time to read this bill. Page 3, line 15 adds three words: "multiuse event and." I will turn this over to Mr. Draper for an explanation of the relevance of the phrase.

Mike Draper, representing the Tahoe-Douglas Visitor's Authority:

Lake Tahoe is a spectacular place. There are issues and challenges with ensuring the economy and the environment maintain a proper balance. The Tahoe-Douglas Visitor's Authority (TDVA) was created about 20 years ago with the mission of promoting tourism in the Lake Tahoe Basin. Since that time, the entity has worked to address challenges as the economy at Lake Tahoe has seen ebbs and flows. Right now, it is in a significantly different place than it was 15 years ago. For instance, there were about 10,000 jobs in the casino core in South Lake Tahoe in 2001; now there are 3,000 jobs. The assessed value of the casino core was \$140 million 15 years ago; now it is around \$80 million. A lot of that is attributed to gaming in California and winter sports seasons. This bill is an important step in diversifying, stabilizing, and building the economy in Lake Tahoe. While it seems like a simple bill, it is a very important bill.

This bill paves a path for the South Lake Tahoe resorts, the county, and others to come together and build an event center. Over the past couple of years, the TDVA has engaged in a process, working with its partners on how to begin to create more tourism amenities in the South Lake Tahoe area. An economic and feasibility study was conducted on a 6,000-seat entertainment venue. Currently there is no indoor multiuse convention center or entertainment venue in South Lake Tahoe. The results were astounding. More than 815 construction jobs, 350 to 550 permanent jobs, and a \$65 million increase in annual spending would result. Those statistics and numbers are conservative estimates of the projected impact of a year-round indoor event and multipurpose center in South Lake Tahoe.

This bill addresses the fact the TDVA can currently only operate a convention center. This has created questions in the organization's ability to bond for a multiuse event center. We are trying to head off bonding issues that might arise as we continue the process of building an event center. This will make it clear, statutorily, that the Tahoe-Douglas Visitor's Authority can construct and operate facilities other than just a convention center. Senator Parks, who served with Assemblyman Sprinkle on the Interim Committee, will introduce a companion bill addressing the bonding abilities of the Tahoe-Douglas Visitor's Authority and ensure it has the same rights as other visitors authorities around the state. Everything else is predicated on this bill.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.] Is there anyone present who would like to testify in support of the bill? [There was no one.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any closing statements? [There were none.] We will close the hearing on Assembly Bill 98.

Is there anyone wishing to make public comment? [There was no one.]

I would like to remind everyone that our meeting on Thursday will be in Room 4100. It will be a joint presentation with the Senate Committee on Growth and Infrastructure. This meeting is adjourned [at 3:09 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblywoman Daniele Monroe-Moreno, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "NHP Division Overview," presented by Colonel John A. O'Rourke, Chief, Nevada Highway Patrol, Department of Public Safety.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "Tahoe Transportation District Transportation & Transit in the Tahoe Region," presented by Carl Hasty, District Manager, Tahoe Transportation District.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 28](#) presented by Katherine Miller, U.S. Army Colonel (Ret.), Director, Department of Veterans Services.

[Exhibit F](#) is a proposed amendment to [Assembly Bill 28](#) presented by William Adler, representing the Pyramid Lake Paiute Tribe.