

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Seventh Session  
April 29, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 10:08 a.m. on Monday, April 29, 2013, 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 [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Teresa Benitez-Thompson, Chairwoman  
Assemblywoman Dina Neal, Vice Chairwoman  
Assemblyman Elliot T. Anderson  
Assemblywoman Irene Bustamante Adams  
Assemblyman Skip Daly  
Assemblyman John Ellison  
Assemblyman James W. Healey  
Assemblyman Pete Livermore  
Assemblyman Harvey J. Munford  
Assemblyman James Oscarson  
Assemblyman Lynn D. Stewart  
Assemblywoman Heidi Swank  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Peggy Pierce (excused)

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
John Budden, Committee Secretary  
Jennifer Dalton, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Sherry L. Rupert, Executive Director, Nevada Indian Commission,  
Department of Tourism and Cultural Affairs  
Scott H. Carey, Tribal Planner, Pyramid Lake Paiute Tribe  
Elwood Lowery, Tribal Chairman, Pyramid Lake Paiute Tribe  
Lynn Manning, Indian Education Coordinator, Washoe County School  
District  
Monty Williams, Executive Director, Inter-Tribal Council of Nevada, Inc.,  
Statewide Native American Coalition  
Ernest E. Adler, representing Reno/Sparks Indian Colony  
Irwin Sharpfish, Director, Woodfords Indian Education Center  
Kay A. Scherer, Deputy Director, State Department of Conservation and  
Natural Resources  
David K. Morrow, Administrator, Division of State Parks, State  
Department of Conservation and Natural Resources  
Rebecca L. Palmer, Deputy State Historic Preservation Officer, Office of  
Historic Preservation, Department of Conservation and  
Natural Resources

**Chairwoman Benitez-Thompson:**

[Roll was taken and housekeeping matters were explained.] We will be hearing two bills today: Senate Bill 23 and Senate Bill 436 (1st Reprint). We will go ahead and open the hearing on S.B. 23. I believe Ms. Sherry Rupert is here to present on this bill.

**Senate Bill 23: Establishes “Nevada Tribes Legislative Day” as a day of observance. (BDR 19-288)**

**Sherry L. Rupert, Executive Director, Nevada Indian Commission, Department of Tourism and Cultural Affairs:**

This morning I am here in regard to Senate Bill 23. I serve as the liaison for the Governor to Nevada's 27 tribal nations. These 27 tribal nations are home to the Washoe, Paiute, and Shoshone people. Across this nation, there are

566 federally recognized tribes, all uniquely different, and all having sovereign status. That is, they have the inherent right to govern themselves. [Continued to read from prepared testimony ([Exhibit C](#)).]

**Assemblywoman Neal:**

I have a question on section 2, subsection 2, line 10. What kinds of discussions are envisioned between state and tribal leaders of common interest? Do you know why we have the event in February? They were able to bring in economic development activities and different things that were going on. What additional items would be discussed? Could you talk a little more about the assistance that is envisioned?

**Sherry Rupert:**

Several issues affect the tribes within the state. Moving forward, statute states that the Nevada Indian Commission has the ability to recommend legislation. Therefore, we are going to be working more and more with the tribes. I am happy to report that in our budget closing we were approved a position. This position will not only focus efforts on implementing plans for the Stewart Indian School, but also to work with tribes on potential legislation. As we move forward into these next sessions, my office will be working closer with the tribes. That can be for anything from taxes to education, and all of those types of conversations.

**Assemblywoman Neal:**

Thank you for that, because the development of the relationship has been interesting over the years. I am a new legislator, but I had a bill involving the Minority Affairs Commission. There is a Native American who sits on the board of that Commission, and I was wondering how we could better build that relationship in terms of input and access. I already know you have your own Commission, but that is also an extension to get a report every year to the Governor. The first report was just done this year. We are looking to make sure that the following year it is inclusive of all of the economic and social welfare issues that are a part of each community that is represented on the board. I would definitely want continued participation, or enhanced participation, in that particular Commission.

**Sherry L. Rupert:**

Yes, we definitely would like to participate, along with the Minority Affairs Commission. I am aware of the Minority Affairs Commission, and of the tribal representation on that commission. We would definitely like to collaborate with you, especially on that report.

**Assemblyman Ellison:**

You are doing a lot of commercial development. It is popping up everywhere. Is there anything coming up in the future? I work with the tribes quite a bit in the northern part of the state. Is there anything new in the process coming up for what you will be doing up north for commercial expansion? Right now, they are doing a lot of health care stuff. They just did the new gas station in Elko, and they are expanding that. Maybe you could talk about that. I think that is important. You have come a long way in the last 20 years. I want to see it keep growing.

**Sherry L. Rupert:**

I understand you are working with the tribes in southern Nevada.

**Assemblyman Ellison:**

Northern Nevada. The good part of the state.

**Sherry L. Rupert:**

I will leave that comment alone. Yes, there are several tribes in northern Nevada that are looking forward. I know that Fort McDermitt is looking at economic development of a visitors' center for gasoline, and things like that, as people come through. I know that Pyramid Lake has a whole economic development plan that they have been working on. There are plans for that. We are working a lot in the area of tribal tourism. We are trying to develop tourism within the communities in the state of Nevada. In fact, we just had our Nevada Tribal Tourism Conference last week in Fallon, Nevada. There are tribes looking at potential tourism and things like that of Indian country.

**Assemblyman Ellison:**

One of the things that I know you really got into which helped the community dramatically was the dialysis machines that you got in Elko. That is important because I think they are the only ones in that whole area. Wells, Nevada just built a new gymnasium up there. I think where they really need to look is McDermitt for what is going to happen and what we can do to help. It just seems like McDermitt is dying down. I spent half my life in and out of that area. If there is anything we can do to help, let me know. If you can talk about the dialysis machines, I think that is one of the most important things you can do right now.

**Assemblyman Oscarson:**

I would like to draw attention, just for my colleague from the north, to section 1 of this bill, which says, "'Nevada Tribes Legislative Day', in the State of Nevada in recognition of the contributions American Indians have made to the prosperity and cultural diversity of Nevada." I do not see

northern Nevada in there for some reason. I just wanted to make sure that he was aware that it was for the entire group. In rural Nevada, I represent many of the Indian groups, and I appreciate your efforts here. I think it is time that we recognize you for the contributions you have made to this country.

**Assemblywoman Bustamante Adams:**

Forgive me for my ignorance, but what is the reason for choosing the month of February and the second Tuesday? Is that random?

**Sherry L. Rupert:**

It was strategically chosen at the beginning of the session when things are a little slower, and all of the information is being given to legislators. We thought that was an appropriate time to have this particular day so that the tribal leaders could come in and actually have some time with legislators to talk about the issues prior to the session moving forward.

**Assemblyman Stewart:**

Can you comment on the success of various tribal economic projects? For instance, in southern Nevada we have the smoke shop in Las Vegas. Also, there is a smoke shop and fireworks operation at the Valley of Fire, and the golf course at Snow Mountain, as well as the tribal gathering that they have in May at Snow Mountain. Can you please comment on those things?

**Sherry L. Rupert:**

Would you like me to comment on economic development in southern Nevada?

**Assemblyman Stewart:**

Yes. Would you comment on the success of these enterprises? Have they been fairly successful?

**Sherry L. Rupert:**

They have been fairly successful. You are speaking of the Las Vegas Paiute Tribe, who has landholdings within the city limits, right off of Las Vegas Boulevard. They have a very successful smoke shop down there. They also have the Las Vegas Paiute Golf Resort, which is a multimillion-dollar facility that does very well throughout the year. You also spoke of the Moapa Band of Paiutes who have their travel center off of the highway. They are also working on a huge solar field. I think that is going to be hugely successful for them.

**Assemblyman Stewart:**

What about the tribal gathering they have in May out at Snow Mountain?

**Sherry L. Rupert:**

That is the Snow Mountain Pow Wow. That takes place on Memorial Day weekend every year. Also, there is a gas station off of the highway, close to where they have the Snow Mountain Pow Wow.

**Chairwoman Benitez-Thompson:**

I just wanted to make the comment that in looking at *Nevada Revised Statutes* (NRS) Chapter 236, and the different types of legislative days that we recognize, we recognize Columbus Day, Mother's Day, Arbor Day, Cesar Chavez Day, Juneteenth Day, and there are two Native American days, Nevada All-Indian Stampede Days, and Native American Day. It looks like Nevada All-Indian Stampede Days is specific to being celebrated in Fallon, Nevada. When I look at this chapter, I feel this would be a really good piece to have because there is not anything that currently recognizes anything like a Nevada Tribes Legislative Day. I think you are right that it cannot just be about certain people in certain leadership positions who like the idea and have that initiative to make it happen. The statute lives past all of us.

Also, there is Tartan Day. I was looking at some of the different cultural type events that we recognize, and to me, this is a missing piece. I like the idea of it.

Are there additional questions or comments? Seeing none, we will go ahead and open for testimony in support.

**Scott H. Carey, Tribal Planner, Pyramid Lake Paiute Tribe:**

The Tribe is in full support of S.B. 23. Welcome back, Madam Chair, and thank you for having this hearing this morning. Also, we would like to thank Ms. Rupert and the Nevada Indian Commission for bringing forth this bill this session for your consideration.

To my right, we are also joined by Mr. Elwood Lowery. He was recently elected Tribal Chairman for the Pyramid Lake Paiute Tribe. He was nice enough to take time out of his busy schedule to provide testimony in support on this bill on behalf of the Tribe.

If there are no questions from the Committee for me, I would like to turn it over to Chairman Lowery at this time.

**Elwood Lowery, Tribal Chairman, Pyramid Lake Paiute Tribe:**

Thank you for having me. I was Tribal Chairman way back in 1998. I served on a lot of committees. The Pyramid Lake Tribe has always maintained a strong government-to-government relationship with the state of Nevada. It is critical

that the Tribe and the State continue to work together within the government-to-government relationship and provide essential service for our people and to improve our quality of life as Nevadans.

The passing of S.B. 23 will allow the government and our tribal members to engage with their legislators like never before and into the future. [Read from prepared text ([Exhibit D](#)).]

We do have a lot of projects going on. By July of this year, we should be finished with our fiber optic broadband communication system within the Tribe. We have 24 strands that will connect with Sacramento and Chicago and all points back east. We are thinking about putting in a database center and contracting out to Facebook, Google—wherever we can go to make that project work.

It is very important that we have a governmental relationship, mainly on water, between the State and our Tribe, working with California Fish and Game, and Nevada Fish and Game, to protect our endangered species. Water is a very important subject for our Tribe, so we need to keep this relationship going between all parties.

**Lynn Manning, Indian Education Coordinator, Washoe County School District:**

How mu? Lynn Manning me nanea. Nu Newe-Numa. Nu Dokabadeewaetu.

How are all of you? My name is Lynn Manning. I am Shoshone-Paiute, and I am from the Duck Valley Indian Reservation in Elko County. I am a teacher. I am currently an administrator with the Washoe County School District, where I serve as the indigent education program coordinator. I am also the chair of Nevada Indian Commission's Indian Education Advisory Committee.

I am here this morning to speak to the importance of establishing this day from an educator's perspective. I am a product of the Elko County School District. I was a teacher in Clark County for nine years, and I have been with the Washoe County School District since 2007. I am a former constituent of Assemblyman Daly, who visited my home on the Reno/Sparks Indian Colony when I resided there, so thank you.

As an educator and a student of this state, I can tell you that there is a dearth of information on tribes. Unfortunately, what little information exists is out of date, or misinformation. Moving this legislation forward would allow for contemporary representation of tribal people in our state, at the state level. We need to have this education, not only for our students, but also for our adults. There is a real lack of information.

As a teacher in Clark County, I asked my fellow teachers, "Who are the three tribes of Nevada?" and they said, "Navajo, Cherokee." They did not even know that the three tribes of Nevada are the Shoshone, the Paiute, and the Washoe. Then, to expand that further, we are recognized governments. We are not race-based special interest groups. We are a sovereign people, as Sherry mentioned, with dual citizenship. That is a real brain-bender for people, that if we start introducing those ideas to students at kindergarten and first grade, that by the time they become adults sitting in the chairs you are sitting in, they have a solid understanding of what tribes are. We are not asking for special privileges. We are asking for our rightful place, for recognition, for consideration, and for our continued existence in this state, as Nevadans, and as U.S. citizens.

This is information that all Nevadans need to know. The institution of this day would allow for that. That concludes my testimony in support of S.B. 23.

**Assemblywoman Neal:**

Personally, I think this is great. However, there are a couple of things that I think are going to be a really good move if this continues and goes forward. I sit on the Committee on Education and I watch all the other committees. When you look at the scores for Native American children within the school district, I do not hear a lot of advocacy within the Committee to talk about what the real need is: a safe government-to-government relationship in terms of how Clark County School District could better perform with that group. I rarely see it. I rarely see a discussion when it comes up in health care committees. I almost never hear the concerns that are associated with minority communities, but specifically Native American communities, in terms of government-to-government relationships, because we now have a whole other dynamic playing in our health care plan in the state. If this is the movement, great, but I feel like a lot of the sub-issues that have been systemically a part of tribes in Nevada have been either pushed under the rug, or do not get acknowledged. It is upsetting for me because you have had significant strength across the nation, not only specific to Nevada. I think that if you want assistance in terms of how to elevate, or move that to the next level, I am in.

I know when I was teaching, in the fourth-grade textbook when they talked about Nevada history, they talked about the history of the Anasazi tribes and where it played, but they did not really get into the actual tribal development. They did not examine what tribes we had here and what they are currently doing. There was never even an update. You had to go to some other library, or some other book, in order to find out what is actually happening in Nevada. So, I think this is great. Like I said, I am an advocate, and I will definitely be a supporter.



**Lynn Manning:**

To speak to that a little, about bringing the contemporary issues to light, in October of this past year, I also served with the Nevada Department of Education's curriculum development team. We developed a document called the "Contemporary and Historical Lifestyles of the Northern Paiute, Southern Paiute, Washoe, and Western Shoshone." It has quite a long title. That was passed by the State Board of Trustees back in October, so now that document is live. It is also living, so it will change, and evolve over time. But it is available on the Nevada Department of Education's website.

We also now have a curriculum development activity that we instituted last summer that we are going to be continuing this summer, that invites licensed teachers to come to a designated location. Last year it was here in Carson City; this year it will be at the University of Nevada, Reno. We bring in tribal representatives from the area. We allow them behind-the-scenes access to collections that are offered by our host. From that, we create black-line masters, curriculum blueprints that are uploaded to the Nevada Department of Education's website, that can be used and accessed by any teacher, not only in Nevada, but across the United States because it is on the Web. We have aligned them to curriculum core state standards, and all of that is now available. Because you are right. I did go to Virgin Valley, and they said, "Washoe is not in my Carson-Dellosa book." The Washoe Tribe was missed. We recognized that gap and we want to fill it. That is why we are here today.

**Assemblyman Ellison:**

What are you going to do when Raymond Gonzalez leaves?

**Lynn Manning:**

I do not know. We will be at a loss.

**Assemblyman Ellison:**

Congressman Mark Amodei and everybody have been working on the expansion north of Elko to try to expand the housing development up into that area. Where are we? Last time I talked to Mark, the land bill was going through in Washington. Do you know where we are at with that?

**Lynn Manning:**

No, I am not sure what the status is.

**Assemblyman Ellison:**

It was supposed to have been one full section of ground that was in there, and there was a piece at the west end of Elko also, but the Tribe was to expand that section of ground right there at the colony. You have no update?

**Sherry Rupert:**

I know that they were working on it. I do not know the status at this point, but I would be happy to get that information back to you.

**Assemblyman Ellison:**

I have got to meet with Mark. He is supposed to be here this week. Maybe I can get that information and get back to you, because I know that was supposed to have been on the floor of the house either this coming week, or this month. Maybe we will have some good news out of that. I think that is important because the housing development is growing so rapidly to the north of Elko where the Tribe is. They have the commercial development down there by the old golf course, and then up at the top the housing development is just going crazy up into this area. So, I am hoping they get that section of ground. That will give us quite a bit of area to develop. If you could give me your phone number, I will get with Mark this week and we will find out.

**Assemblyman Stewart:**

I have a concern similar to what Assemblywoman Neal mentioned about the curriculum. Are the teachers actually using these changes now? Do you have any evidence of that? Is it actually a part of the required curriculum now, or is it just a link to the website?

**Lynn Manning:**

We are working on bringing that legislation to you right now. In Clark County School District, which I am very familiar with the curriculum guidelines there, in fourth grade there is a Nevada portion that I believe is a statewide standard that all tribes in Nevada are taught in fourth grade. In the past, without this document teachers were left to their own devices to find information. As I said, some of that information was missing, outdated, and frankly, there was a lot of misinformation. Now that this document exists, it provides them an avenue of accurate, current information that the tribal people themselves would like to have presented.

Because we partner with teachers from across the district who create these guidelines, we have that network of teachers to inform others that this information is there. You do not need to do a Google search. Go to the Nevada Department of Education's website and download the document to use it in your classroom. Also, it is not just limited to fourth grade; our curriculum guide is pre-K through, hopefully, teacher education. Again, that information is needed by everybody. Are they using it? It has been instituted since October, and I would say yes. We have had great feedback, a lot of questions, and tremendous input and inquiry about our next event.

**Assemblyman Munford:**

I know your Tribal Council Chairman was just up here. With your Tribal Council, you are still limited in your total autonomy, or sovereignty, because usually within the Tribe itself, before you can implement a lot of things, you have to get approval from the superintendent. Sometimes you have to go to the superintendent, or the Bureau of Indian Affairs (BIA), or the Department of the Interior (DOI). There are a lot of steps and policies that you have to go through before you can get anything done. I know, to some degree, because I went to college in Montana. I was around quite a few Indians, and I interacted with them on a regular basis. I used to go down to the reservations all the time, and I know a little bit about how tribal government works. Am I wrong, or right about what I just said?

**Sherry Rupert:**

I would say, for the most part, you are right. There are a lot of hurdles to jump within tribal government. However, as I stated before, they are sovereigns, and so locally, within the government, they do have autonomy, and they do work through their issues. I think what you may be talking about, specifically, is federal funding.

**Assemblyman Munford:**

It is all at the federal level. Everything is federal government—not too much state government as we do not really get involved with your day-to-day operations, so to speak. No, we do not.

**Sherry Rupert:**

Not day-to-day operations, but we are seeing the federal funds being funneled through the state, and that is where the tribal governments now have to interact with the state government.

**Assemblyman Munford:**

I was going to be on my personal side, but that is not important. Thank you.

**Chairwoman Benitez-Thompson:**

The nice thing is that we have the chairman of the Education Committee here, and I am sure his interest has piqued. He would be happy to continue a lot of these conversations about education. I am assuming I am right. Is that correct Chairman? Assemblyman Anderson? Just nod your head and say yes. Just throw me a thumbs up. There we go.

You get a two-for in this Committee, right? Are there any other questions or comments? Seeing none, I think we are coming over here to you, sir.

**Monty Williams, Executive Director, Inter-Tribal Council of Nevada, Inc.,  
Statewide Native American Coalition:**

We are here in support of S.B. 23, mainly because we support things that provide collaborations between state and tribal entities. There have been a lot of tribal collaborations going on within the last couple of years, and we want to see that continue, especially working with substance abuse. The Governor's meth initiative ad came out through the Legislature, and it really helped the tribes in Nevada by helping fund some of our prevention activities statewide. There are also other monies coming from the state, through the Statewide Native American Coalitions that are providing services to the 27 reservations and colonies. We also work with the urban populations in Clark County and in Washoe County. We would really like to support that because it would create those discussions that really have to do with the betterment of tribes, as well as the state of Nevada, because what happens in the tribes happens in the state of Nevada, and what happens in the state of Nevada happens in the tribes.

There are no barriers to prevent it from going on. The issues we deal with at the tribal level, the state is also dealing with the same issues. When it comes to illegal drugs, it is really necessary for tribes and states to work together. This legislation, if passed, would really support those continued discussions that we really need to have to combat substance abuse issues both in the state and the tribal properties. This concludes my testimony for S.B. 23. Thank you.

**Chairwoman Benitez-Thompson:**

Are there questions or comments? Seeing none, thank you for your testimony. I want to make sure that we acknowledge that the Committee did receive a letter in support ([Exhibit E](#)) from Mr. Arlan Melendez, Tribal Chairman of the Reno/Sparks Indian Colony. He sent me an email saying he would not be able to make it here today. However, I wanted to make sure that we acknowledged his letter to us so that it was included in the minutes for this hearing.

**Ernest E. Adler, representing Reno/Sparks Indian Colony:**

I am here today on behalf of Mr. Melendez, and the Reno/Sparks Indian Tribal Council. Chairman Melendez regrets that he could not be here today, but he strongly supports this resolution. The Reno/Sparks Indian Colony has been working with Nevada and the State Legislature for literally decades now. There were some questions about how this relationship works. As you know, Madam Chair, in 2005 we had a bill that involved the lands exchange between the state of Nevada and the construction of Wal-Mart off of Glendale, on Indian land, and the revenue-sharing between the state of Nevada and the Reno/Sparks Indian Colony. That is currently being implemented. There is some land that the state has along the Truckee River that is historical tribal land

that is going to be transferred back to the Reno/Sparks Indian Colony. In exchange, the Reno/Sparks Indian Colony is donating land to the state of Nevada along Kietzke Lane in a prime commercial area. They are going to relocate the state's restitution center there and the Reno/Sparks Indian Colony is going to expend \$8 million to build a new restitution center for the state of Nevada, for both men and women. That is an example of how the relationship has worked over the years.

Personally, I have had contact with a great many lobbyists and attorneys in other states who represent Indian tribes, and Nevada has really held out as an example of how well tribes can work with legislative bodies in terms of tax policy and other things. I think the State Legislature needs to be commended on how well they have worked with the tribes over several decades. They really have worked well on things such as tax policy and retail sales and things that are very important to the tribes of Nevada. I think, as Chairman Melendez says, that is why this is a very important resolution to commemorate that with a special legislative day for the tribes.

**Chairwoman Benitez-Thompson:**

Are there questions for Mr. Adler? Seeing none, thank you so much.

**Irwin Sharpfish, Director, Woodfords Indian Education Center:**

I work for the Washoe Tribe of Nevada and California. I am here to testify in support of S.B. 23. I am here as an indigenous person. I am honored to be in your presence to testify in support of S.B. 23. One of the things I want to convey is that it is long overdue.

I am an educator. I am a graduate of Penn State University, so I know we live in two worlds for citizenship and so forth. One of the things I find is that we are lacking in support of Indian education. I think S.B. 23 will be a vehicle to address these needs of indigenous people.

One of the things I want to do is a little exercise with you to give you an education from our cultural perspective, primarily my Lakota, or, in history books, Sioux Indian. We are Lakota people. If you look at your left hand, you have your thumb with two sections, and your pointer-finger has three. If you count all the fingers, there are fourteen. Then, on your right hand there are fourteen, too. So, what does this mean? Well, in our cultural ways, the earth and moon cycle is 28 days. The woman's cycle is 28 days. In our origin stories, we are from the Buffalo Nation; the buffalo has 28 ribs. Also, within our life, the seven and four is twenty-eight. You have the seven holes in your head: two in your ears, two in your eyes, two in your nostrils, and one in your mouth. So, as a teacher, this is what I use to tell my students: "If you will use

these two (ears), and let me use this (mouth). Then, when I am ready for you, raise your hand and you can use this (mouth)." You have four extremities. So, that is seven times four, which is 28. Also, all of us as peoples: there are four colors of people on this earth: red, white, yellow, and black. We need the four elements to survive: air, water, land, and fire. Look at fire. The fire comes up at sunrise, and sets at sunset. Growing up, my ancestors were persecuted for acknowledging the sun, but we need those to survive in today.

What I am saying is that in reality we are all related in one way. In this situation here, being tribal nations versus the state and so forth, we are working together in a government-to-government situation. I am far removed from South Dakota, but it is still the same existence, that we have to work together to survive. One of the things I really want to pursue, and I am glad that the chairman of the Education Committee is here, is that I would like to see the Native American business culture, or Indian culture, curriculum be expanded into the universities, and even establishing a tribal college. I am kind of out of my realm in that area, but I am a product of a tribal college, Sinte Gleska University in South Dakota. I have been fortunate to go to Penn State under an Indian Education Leadership grant, which was really helpful to me. That was prior to the downfall of Penn State, and all the stuff that happened about three or four years ago. In lieu of that, I am here to support and testify for S.B. 23. Thank you.

**Chairwoman Benitez-Thompson:**

Thank you very much. Seeing no questions or comments, we appreciate your testimony. Is there additional testimony in support from Carson City or Las Vegas?

**Irwin Sharpfish:**

I have one last comment. If you would view the movie "More than Bows and Arrows" by N. Scott Momaday, it gives a really neat detailed background of contributions by Native Americans to America. Thank you.

**Chairwoman Benitez-Thompson:**

Thank you. We will move into testimony in opposition, meaning you might support the spirit of the bill, but have issues with sections, or language, or have amendments that are not supported by the bill sponsor, or you flat-out oppose it. Is there any opposition? Seeing none, we will move to neutral. Are there any comments in neutral? Seeing none, we will go ahead and close this hearing on S.B. 23. Thank you to the bill sponsor and to those who testified on the legislative record today. We appreciate it.

We will move on to Senate Bill 436 (1st Reprint). I will open the hearing on S.B. 436 (R1). I believe we have three different folks here to begin testimony on this bill.

**Senate Bill 436 (1st Reprint): Creates the Nevada State Parks and Cultural Resources Endowment Fund. (BDR 19-1154)**

**Kay A. Scherer, Deputy Director, State Department of Conservation and Natural Resources:**

Good morning, Madam Chair and congratulations. Joining me today to introduce and support S.B. 436 (R1) are David Morrow, Division of State Parks, and Rebecca Palmer, acting State Historic Preservation Officer.

Senate Bill 436 (1st Reprint) amends *Nevada Revised Statutes* (NRS) Chapter 235 to add a new section that creates a trust fund to be known as the Nevada State Parks and Cultural Resources Endowment Fund. [Continued to read from prepared testimony ([Exhibit F](#)).]

You will probably want to hear from these other individuals as well, and, hopefully, together we will give you a clear picture of where we hope to go with this endowment trust fund. Thank you so much.

**Chairwoman Benitez-Thompson:**

Thank you. Did you want to have Mr. Morrow and Ms. Palmer make comments before we take questions, or are you ready for some questions now?

**Kay Scherer:**

Either way, I can certainly take questions, or then if I feel that what they have will better answer, then I will let you know.

**Assemblyman Elliott Anderson:**

I want to ask a brief question on your last comment. You said that only the principal should not, or cannot, be spent. Is that principal the funds that were received via deposit in subsection 2 of section 1?

**Kay Scherer:**

Yes, these would be the donations or the bequeathments that are made to the fund, and it would be the interest off of that perpetual endowment trust that would provide the opportunities for cultural resource preservation, or enhancement of state parks.

**Assemblyman Stewart:**

If an individual with a lot of money sees a specific need and he wants to donate that money to take care of that specific need, would this amendment preclude him from doing it? They would have to use the interest over many years and they might donate \$10 million for a specific project in a specific park. They could not do that, then?

**Kay Scherer:**

As you describe it, that would be correct. However, as I indicated, this is one of several tools that we will have in our toolbox. If an individual sees a particular need at a particular park, or a cultural resource center, there are certain other avenues in terms of gift accounts that we have for these individual agencies where we could accept a gift like this. What we have tried to do through this fund is give ourselves an additional tool for those individuals or corporations who would like to contribute in more of a legacy setting, where they know that their money will be working for the benefit of these parks and cultural resources over time. It is a tool that is based in having that sustainability over time. However, we would certainly find a way to accept any kind of gift such as you described.

**Assemblyman Stewart:**

Maybe you could put into the language, unless the donor designates otherwise, or something.

**Kay Scherer:**

We can certainly consider that and talk more about that. The other thing that group of five administrators of the fund will be able to do is set up rules for directed giving as well. There may be those individuals or corporations who want their gifts, and the interest off those gifts, to be used for certain kinds of activities within Cultural Resource Preservation or State Parks, and we would certainly turn it over to that group to set up that kind of directed giving as well.

**Assemblywoman Swank:**

I am all for the state parks and cultural resources, as everyone knows. I am just a little concerned about money going for enhancements because I feel that it is always the sexy project to enhance something, rather than simply maintain it. Putting down a better, wider road is not as cool. So, I am just concerned that people will be more interested in investing in these enhancements rather than upkeep. We know from the 1950s how that did not go so well for the national parks. Could you clarify that?



**Kay Scherer:**

The term "enhancements" was used, and I think I would again go back to the makeup of this five-member group that would be guiding these funds. Certainly, the intent of this bill, and I do not think we have any trouble making legislative intent for the record here, when we speak of enhancements, for example, in State Parks, there is a great deal of demand for an online reservation system to allow people to enjoy our state parks in the modern expectations of this world. That is very costly and is not something the state parks are able to do at this point in time. That would be the kind of major enhancement to the visitor experience that could be talked about among that group of five that oversee the fund.

As I said in the beginning, it is not our intention for this to replace what is standard maintenance or operations for the types of roads you are speaking of. It is to preserve and make available to citizens and visitors alike these opportunities.

**Assemblywoman Swank:**

Does this money come from private sources?

**Kay Scherer:**

Yes. This is a donation and contribution opportunity that has not existed.

**Assemblywoman Swank:**

Are we going to have a slippery slope? One of my concerns is, if funding starts to come from private sources for state parks and state lands and we set up programs based on that money, then, if those private sources decide that is not where they want to be spending their money now, that creates something of a vacuum for the state to pick up. I know this has happened and has been a concern nationwide with other states that have privatized some of their state parks. Can you speak to that concern?

**Kay Scherer:**

That is why this is very specifically for enhancements. For those of you who do not serve on the money committees, over the last two biennia, State Parks has been cut 60 percent in its general fund. Therefore, State Parks has had to find other entrepreneurial opportunities and other ways of doing business. To their credit, they still offer parks that get excellent ratings year in and year out. In many ways, they have already faced that particular challenge. I appreciate your concerns because that is not a slippery slope that we want to go down. We want to find ways to do things to preserve specific sights, in the case of Rebecca's side of the house, or to do major enhancements that would otherwise not be affordable to the state. Our intent is not to create something

that is going to require maintenance moving forward. I think that would certainly be an important consideration of the body that administers these funds—that they are doing something that is one-time and has that kind of benefit without setting the state up for further costs.

**David K. Morrow, Administrator, Division of State Parks, State Department of Conservation and National Resources:**

I think the reason we setup the interest-bearing account is so we would have a definite amount of money rather than a single donation. We would have a fixed interest-bearing account that we could count on for future years.

**Assemblyman Livermore:**

I am a little confused. What you are attempting to do here is take the Nevada State Parks and Cultural Resources Commission, and you are trying to create an endowment fund someplace. You are looking at going out and raising money for projects or jobs. Is that typically the duty of the state, or is that a duty of a nonprofit organization, like a foundation? I am not sure it is a job of the state of Nevada to be soliciting donations.

**Kay Scherer:**

I understand your concern. It is sort of build it and they will come. We have had interest expressed by individuals who would like to leave their money to help preserve or enhance cultural resources and state parks. Currently, we do not have something to offer them that opportunity. It was more of a hole that we saw in possibilities for people who very much love the parks and the cultural resources of our state to be able to donate money.

In terms of the role of agencies soliciting, I think our intent is more to make the opportunity available to individuals. Again, it will not cost the state anything. That is why I referenced the endowment fund that has already been created in NRS Chapter 235. At one point, clearly it was determined that was valuable and there was a need for a place to put that contribution. I believe that is what this situation will be. We do not have a state parks commission. We do not have a department of cultural resources advisory board or commission. There is a shared commission for historic preservation and other arts. However, we simply do not have a group that can do that, so we want to make this opportunity possible.

**Assemblyman Livermore:**

My point goes to this. Somewhere along the line, you are going to have to inform the public that they have an opportunity to do this. That means you are going to expend resources someplace to create envelopes, or make applications, or some type of information that the public can receive. In other words, you

have to distribute at a counter, or at a park entrance gate. Therefore, it is not cost free. I think that sooner or later there is going to be some fund money that is normally for parks themselves that is going to be expended in some fashion. I compliment you for what you are attempting to do. The devil is in the details, and I am just trying to figure out what the details are that we are missing.

**Kay Scherer:**

I appreciate your concern. At this point in time, in this great world of online information, our hope and our intent in this day and age is that we will be able to get that word out without some of the expenditures that have been incumbent on such promotional activities in the past. I think our intent would be first, to reach out through what is a more affordable way to make this information available. Thank you for your concern. That truly is a question that must always be asked: Are there hidden costs? In this case, we do not have the resources to pay for a lot of hidden costs, so we have to be very careful with what we propose, because you are correct. We would not have the ability to take that money from someplace else to create a big paper promotional campaign. Thank you for sharing that concern with us.

**Assemblywoman Bustamante Adams:**

I might have missed this, so please forgive me. On page 2, line 3 it talks about the three members appointed by the Governor. Are there parameters around the appointments as far as who can serve the term, and so forth?

**Kay Scherer:**

At this point in time, that was not defined in the bill. It was left open in terms of who those three appointed members could be. I think the intent of that would be that the Governor would appoint individuals who have background in working with endowment trust funds, and also those individuals who have an understanding of, and an interest in, cultural resources and the state parks of Nevada.

**Assemblywoman Bustamante Adams:**

I think it is important to have those parameters established. In other hearings we have heard from some groups that people serving on these committees are not reflective of the intent of the mission of the group. That is my only concern. I do not think the Governor would, but it helps to have that defined. Will these members serve indefinitely? How do you see that? Maybe it could be just a two-year term so that you have constant replacement and new additions. What was your vision?

**Kay Scherer:**

First of all, regarding your indication of perhaps an amendment to clarify those membership terms, we took this from the drafters, and I had not thought of that. That could be something we could explore. I think, for most individuals with whom I have served on boards and commissions appointed by the Governor, a couple of terms is pretty much what people serve before it is turned over. However, we would certainly be willing to, if that was the interest of this Committee, explore an amendment that would be more specific as to those three members and their terms.

**Assemblyman Ellison:**

Basically, along the line of what my colleague was saying about being appointed by the board from the Governor's office that is reappointing, the problem that I have is that you are setting up a future board. If you had to make any changes, you would have to wait until the next session to come back and do that. If you take and tie up whatever you knew was just the interest, who is going to make the decisions in the future for the board if you wanted to make any dramatic changes? Do you get where I am coming from? You want to use the interest and not the proceeds, but you are making that decision for future boards.

**Kay Scherer:**

I think I understand your concerns. Anytime you have a trust fund like this that is administered by individuals as defined in the statute, over time they are naturally going to turn over. Over time, any board or group inherently turns over. It will be what is established in the decisions made regarding interests and the projects that they can be used to pay for over time; those will be decisions made for the board. A new board would have to honor those decisions that would be made, but in their own time frame of service, they would be making their own decisions.

Very much like this legislative body, it still has a continuity over time, and this board would have a continuity over time. However, that individual group would be making the decisions on that interest and what it was going to be funding during their terms of service. It would simply be through that shared understanding of what the history has been versus those decisions that the current board would be operating under.

**Chairwoman Benitez-Thompson:**

Before we get to Assemblyman Oscarson's question, perhaps we could clarify. This is good. I think the questions that the Committee members are asking are good to make sure that we flesh out the intent and we capture it. Along the same lines that Assemblywoman Bustamante Adams was talking about, in

section 1 you talk about the fund being administered by a committee. We have heard people say boards, or commissions, but the language specifically says committee. I was asking the Legal Division if there was a distinction between something that is a board versus a commission or a committee. When I think boards and commissions I think subject to Open Meeting Law, minutes, and a very formal established process. Appointing people is a formal established process. This language says "committee." For the legislative intent, is your intent to have it be a formal board that oversees this money? Is it just a committee that would get together to verify funds and create the priority list for projects? Would you flesh that out for me a little bit more about the level of structure and establishment you want from this Committee?

**Kay Scherer:**

I think it is important to understand that what we did, and what we proposed to the drafters, was to use the language that is already contained in NRS 235.150 for a similar endowment fund. That calls for the fund to be administered by a committee consisting of the Governor, the State Treasurer, and the Secretary of State. I think our vision was that this is a committee of individuals who have the expertise to administer a trust fund. Their purpose would be to meet as a committee to administer the trust fund. The makeup of the committee is a little bit different, but in my mind, this was not viewed as a board or a commission in the same way that we understand boards and commissions to exist in the state. We were somewhat reliant upon the representation of how that was defined in NRS 235.150. That is why it reflects that same type of language.

**Chairwoman Benitez-Thompson:**

Maybe what would be helpful is since the Nevada Gift and Endowment Fund functions under that structure and in this one, in the existing language for that fund, the committee is spelled out as being Governor, State Treasurer, and Secretary of State. They are that committee of three, and maybe it would be useful to know with that committee structure and the committee structure you are proposing, is what that formality level is. Are they subject to minutes and the Open Meeting Law? Or, is it just everything that happens when the three of them meet off the record at whatever intervals they schedule? That might be helpful for Committee members to know just what type of structure we are talking about here. It seems like it would be pretty easy information to find out just how that committee is structured since you want something parallel to that.

**Assemblyman Oscarson:**

If you already covered this, I apologize. The money that is donated at parks currently, for example, if I were at Genoa over the weekend visiting the park there, the money that people donate, that they can put into the slots and those

kinds of things, would you envision that money would go into this fund? Or is that separate money that would be utilized?

**Kay Scherer:**

In my testimony I described that what we are really looking at is a tiered approach. We have companies who want to donate pieces of equipment to individual parks. People who primarily use one park all the time and have a real love and affinity for that park want to plant trees or give donations to the donation box when they are in the park. We certainly have the standard permit fee boxes as well, but we want to establish this whole range of opportunities, so that we are not going to stop what you saw, which is that individual giving to a park. We want to try to reach those individuals who have the larger donation, or want to preserve a legacy. When you deal with endowment trust funds they want to give something that they know in perpetuity, and it is usually a larger amount, although it ranges. It is a different kind of giving, whereas the people who are giving at individual parks are doing it primarily to have interpretation and activities happen at that park at any given time. I hope that answers your question.

**Assemblyman Oscarson:**

Yes, it does. I guess in answer to my colleague from Carson City, the bill that he had earlier about prisons and potentially doing a museum, somebody came in and wanted to donate money specifically to that entity or project. That would be what this group of folks you are talking about here would be for. Correct? Should his legislation pass, obviously.

**Kay Scherer:**

That goes to Assemblyman Stewart's question, as well, that if an individual comes in and wants to give to a specific project such as described in Assemblyman Livermore's bill, this would not preclude that. If it were someone who wanted to give and have it be in perpetuity, and potentially earmark it for something like that, it would be a different possibility. Therefore, it opens up a wide range of opportunities.

**Assemblyman Livermore:**

That raises an interesting thought to mind. With a donation of the size that you are indicating, would that be tax deductible through this organization? Or would you be better off to donate to a 501(c)(3)?

**Kay Scherer:**

It is the intent of this particular endowment fund to function in that same way when you are donating. It will be that kind of a write-off donation.

**Assemblyman Livermore:**

So it would not be small, like a couple of dollars here, and a couple of dollars there?

**Kay Scherer:**

No, that is not the intention. Although, if someone wanted to leave \$100 in perpetuity and know that this is their legacy, it would certainly be welcome as well. We want to create something for everyone.

**Assemblywoman Neal:**

We have a couple of other bills coming through, including a bill from Assemblyman Aizley, Assembly Joint Resolution 1, which made the Upper Las Vegas Wash a national monument. That passed through the Assembly. How does that help you? Does that help in terms of having a certain piece of a conservation area, or the conservation area, become a national monument? Are there funds that could be derived or associated with that action?

**David K. Morrow:**

The intent of this fund is to create a long-term funding mechanism for cultural resources and state parks facilities. Although we are in support of the creation of that as a monument, and we believe it is the right thing to do, I do not think this fund was necessarily intended to do that. This fund was aimed in a different direction.

**Assemblywoman Neal:**

No, I was just thinking larger picture pieces that work together, or tangential to each other. Is there a relationship at all? Would there be some benefit to being associated with that?

**David K. Morrow:**

I think it is a great project. Actually, the state owns 350 acres in that proposed monument. Therefore, they do go together in terms of supporting important things in the state that would bring in tourism and protect cultural resources and paleontological resources. There is a synergy between those two things, but this fund was not established for that purpose.

**Chairwoman Benitez-Thompson:**

Seeing no other questions, we will take testimony in support.

**David K. Morrow**

I appreciate the opportunity to express my support for Senate Bill 436 (R1). I also appreciate all the support the Division has received from the Department of Conservation and Natural Resources. Senate Bill 436 (R1) is not only

a reflection of that support, but also an acknowledgement of our mutual interest in finding additional ways to support important aspects of State Parks' mission that cannot be funded in normal or traditional ways. [Continued to read from prepared testimony ([Exhibit G](#)).]

**Rebecca L. Palmer, Deputy State Historic Preservation Officer, Office of Historic Preservation, Department of Conservation and Natural Resources:**

If enacted, this bill will create a unique opportunity for the rehabilitation, restoration, and interpretation of cultural resources around the state. Individuals or corporations that donate to this fund will know that their donation will contribute to the preservation and public enjoyment of such resources. [Continued to read from prepared testimony ([Exhibit H](#)).]

**Chairwoman Benitez-Thompson:**

Are there questions from Committee members? Seeing none, thank you so much for your testimony. I will go ahead and take additional testimony in support either from Carson City or Las Vegas. Seeing none, I will take testimony in opposition. Seeing none, are there any comments in neutral? Seeing none, I will go ahead and close the hearing on S.B. 436 (R1). I will open the microphones for public comment. Seeing none, I will go ahead and adjourn this meeting of Assembly Government Affairs [at 11:33 a.m.].

RESPECTFULLY SUBMITTED:

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John Budden  
Committee Secretary

APPROVED BY:

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Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: \_\_\_\_\_



**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** April 29, 2013

**Time of Meeting:** 10:08 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 23	C	Sherry L. Rupert	Prepared Testimony
S.B. 23	D	Elwood Lowery	Prepared Text
S.B. 23	E	Arlan Melendez	Letter in support
S.B. 436 (R1)	F	Kay Scherer	Prepared Testimony
S.B. 436 (R1)	G	David Morrow	Prepared Testimony
S.B. 436 (R1)	H	Rebecca Palmer	Prepared Testimony