

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

**Seventy-Ninth Session
June 1, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 10:08 a.m. on Thursday, June 1, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chairman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Chris Brooks
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblywoman Amber Joiner
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblyman Richard McArthur
Assemblyman William McCurdy II
Assemblywoman Daniele Monroe-Moreno

COMMITTEE MEMBERS ABSENT:

Assemblyman Richard Carrillo (excused)
Assemblywoman Melissa Woodbury (excused)

GUEST LEGISLATORS PRESENT:

Senator Julia Ratti, Senate District No. 13



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Isabel Youngs, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Marla McDade Williams, representing Reno-Sparks Indian Colony
Arlan D. Melendez, Tribal Chairman, Reno-Sparks Indian Colony
Michon R. Eben, Cultural Resources Manager, Reno-Sparks Indian Colony
Alan Mandell, Tribal Vice Chairman, Pyramid Lake Paiute Tribe
Laurie A. Thom, Tribal Chairman, Yerington Paiute Tribe
Neil Mortimer, Tribal Chairman, Washoe Tribe of Nevada and California

Chairman Flores:

[Roll was called. Rules and protocol were explained.] We have one bill hearing and one on work session today. We will start by hearing Senate Bill 244 (3rd Reprint).

**Senate Bill 244 (3rd Reprint): Revises provisions relating to historic preservation.
(BDR 33-515)**

Senator Julia Ratti, Senate District No. 13:

I am here to present Senate Bill 244 (3rd Reprint). At this time, Nevada Native American tribes are not included in many of the private and public forums in which the management, treatment, and disposition of Native American cultural items (human remains, funerary objects, sacred items, and items of cultural significance) are discussed and deliberated. There are many misconceptions and misunderstandings of the past and present Native American culture, including its ancestors and their cultural items that were left behind. In Western culture, Native American cultural items are often considered as items to be scientifically tested and inappropriately studied, collected, and displayed as objects of curiosity.

From the Native American perspective, these items are still very spiritually connected to the traditional culture and existing tribal community. Therefore, those items should be respected and managed according to the values, beliefs, and traditional practices of the Native American community. Currently, ground-disturbing activity on federal and state lands requires a permit to excavate areas of cultural significance. Private lands are excluded from this requirement, which in some circumstances leads to the significant loss of cultural items.

Senate Bill 244 (3rd Reprint) will help provide Native American representation on the Board of Museums and History within the Department of Tourism and Cultural Affairs and on the Commission for Cultural Centers and Historic Preservation in the Office of Historic Preservation, State Department of Conservation and Natural Resources. In addition, prior to and during the development and adoption of regulations related to cultural items, this bill requires the consultation with Native American tribes to ensure the values, beliefs, and traditions are respectfully reflected in the regulations.

The most effective way to understand the significance and appropriate management of the cultural items is to have meaningful participation and consultation with the tribes. This bill requires notice and consultation with the tribes that are culturally affiliated and in closest proximity to the cultural items and ancestral remains. While protecting the constitutional rights of private property owners, the bill requires a person to obtain a permit to excavate a prehistoric Indian burial site or a prehistoric site of religious or cultural importance to an Indian tribe. There is no cost for the permit that is issued by the Museum Director of the Nevada State Museum within the Division of Museums and History, Department of Tourism and Cultural Affairs. Under existing law, the Museum Director has the authority to issue a permit for such activity on state and federal land.

As part of the consultation process associated with the permit, this bill provides an opportunity for Nevada tribes to participate in the respectful handling, disposition, and repatriation of human remains and associated funerary objects. The bill states that those items will not be subject to scientific study nor will the human remains be separated from the associated funerary objects when reinterred. If it is necessary, items may be studied with the consent of the tribe.

The third concept in this bill is repatriation. What this bill allows is, in situations where the museum is following an abandonment process, that the tribes are consulted on Native American items. This is the one part of the bill that is broader than just prehistoric remains or funerary objects. For any item of cultural significance, the tribes will have consultation and a path to receiving items that are being abandoned by the museum. Those are the three big concepts—representation, consultation, and a path for repatriation.

Marla McDade Williams, representing Reno-Sparks Indian Colony:

I will take you briefly through the sections of the bill. Section 2 are the provisions laid out for museums as it relates to the process for notice and consultation with Indian tribes. Section 3 requires the determination of cultural affiliation to follow federal law, which is the Native American Graves Protection and Repatriation Act. Section 5 speaks to the authority for the Museum Director to adopt regulations as it relates to the process being set forth in the bill. Section 5.5 clarifies that a permit is not required if activity has already been authorized pursuant to existing federal law. This is just clarification for all of the parties that they do not have to go through this process twice.

Section 6 is the provision that establishes authority for a permit to be issued on private property in Nevada. It also specifies what does not require a permit. That language was needed to ease concerns of individuals as this bill was introduced. You can see that if they are engaging in lawful activity on private lands, including, without limitation, construction, mining, mineral exploration, logging, farming, ranching, or a federally authorized activity conducted in compliance with the National Historic Preservation Act, they do not need a permit. For all other activities on private land related to Native burial sites, they would require a permit. Section 6, subsection 3 requires regulations to set forth the requirements for that permit.

Section 7 details the definitions for museums. Section 8 adds a new member to the Board of Museums and History. Section 9 has been deleted. Section 10 deals with abandoned property that is currently held by collections of Nevada's museums and details that if those abandoned items are Indian human remains or other cultural items, there is a consultation process.

Section 11 is a technical change. Section 13.5 is a technical change. Section 14 clarifies that if the Museum Director designates another state agency to act on behalf of the Museum Director, the Museum Director will ensure they act in the same capacity that the Museum Director would have been required to. Sections 15 and 15.5 are technical changes. Section 16 speaks to existing permit holders and what their requirements are when they work on aboriginal mounds and earthworks, ancient burial grounds, prehistoric sites, et cetera. If they come across Native human remains, the process for consultation is expected there in subsection 4 of section 16.

Section 17 talks about existing permits and the Museum Director's authority to limit those permits. It is more of a technical change. Section 18 and 18.5 are also technical changes. Section 19 provides that these are the permits issued on state and federal land. After those permits are closed, there is an assessment of activity conducted underneath that permit. In that assessment process, if any of those items are determined to be Native human remains or funerary objects, the process for consultation is expected there again.

Section 19.5 is a technical change. Section 21 is another technical change, but it provides that if a law enforcement officer comes upon a person undertaking an activity, they can ask to see a lawfully issued permit. Section 22, subsection 1 says, "Any object of antiquity taken, or collection made, on historic or prehistoric sites . . . without a permit must be seized" If law enforcement determines that someone is working without a permit and they seize that property, there is an expectation that tribes be consulted if those items are Native human remains or funerary objects. Section 23 is a technical change. Beginning in section 24, we get into requirements for the Office of Historic Preservation. Similar to the requirements for museums, section 26 requires the adoption of regulations. If notice and consultation are already required pursuant to some other federal law and section 26.5, they do not have to undergo the same process. Section 27 is definitions.

The Office of Historic Preservation does not retain items. They make a record of where items are sent whether they were obtained through an inadvertent finding or through property that has been seized. Section 28, subsection 3 authorizes a tribe to take those items if the tribe agrees to. The recordkeeping for the Office of Historic Preservation would simply indicate that those items were sent to some tribal entity as the keeper of those items.

Section 30 speaks to the broader authority of the Office of Historic Preservation as it relates to agencies of the state and political subdivisions. Those agencies and subdivisions are required to cooperate with the Office of Historic Preservation to salvage or preserve historic, prehistoric, or paleoenvironmental evidence. As the Office of Historic Preservation works with agencies on cases where there are Native human remains or funerary objects, there is a consultation process set forward in this section.

Section 31 contains more definitions. One of the key definitions here is "nondestructive analysis." As Senator Ratti pointed out, there is current law related to Indian burial sites in this state. That law says that once an Indian burial site is found, it is to be excavated and studied. There is concern about studying Native human remains and the requirement to conduct scientific study on them. Essentially, "nondestructive analysis" means that materials will be inspected without causing damage. Section 32 relates to an existing private landowner who knows that they have items on their property, and they want help with figuring out what to do with those items. Existing law allows them to go to the Office of Historic Preservation. The changes to this law require the Office of Historic Preservation to have the landowner work directly with tribes rather than have the Office of Historic Preservation work on behalf of tribes.

Section 33 speaks to inadvertent findings. Say you are digging on a project anywhere in the state and you happen to come across items. This details what is expected. If any of those items are Native human remains or funerary objects, the consultation process is expected to be deployed. I want to quickly bring your attention to section 33, subsection 1, paragraphs (g) and (h). This is where we remove the language that requires scientific study on those items.

Section 34 speaks to fines. Section 36 explains the situation when land is being acquired from any agency of the federal government. If there are Native human remains or funerary objects, those provisions are expected to be followed. Section 37 provides for more fines. Section 38 adds a member to the Commission for Cultural Centers and Historic Preservation. That member would be appointed by the Governor after being recommended by the Nevada Indian Commission. Sections 38.3 to 38.7 are the appropriations that were adopted by the Senate Finance Committee when this bill was considered there. Section 39 shows the effective dates.

Assemblywoman Joiner:

Thank you for bringing this bill. I was reading through it this morning before the hearing. I was surprised this was not already law. It is one of those things that makes so much sense. Do you have examples of cases where this would have helped? Have you lost some of the cultural heritage already, or is this preventing something from happening in the future?

Senator Ratti:

I do not personally have those stories. I would like to share that at the original hearing in the Senate, we had seven tribal chairpersons with us. It was a bit more challenging to schedule them to come today. There are letters from several of the tribes on the Nevada Electronic Legislative Information System that talk about their support for the bill [([Exhibit C](#)), ([Exhibit D](#)), ([Exhibit E](#)), ([Exhibit F](#)), and ([Exhibit G](#))]. We do have some representatives here today, and I think it would be most appropriate to have them share their stories and information as to why this bill is important to them.

Assemblyman Kramer:

I agree that this is long overdue. This does not stop anything from happening—it just slows it down while we take care of remains that are found. Is that correct?

Senator Ratti:

There are two paths. If there is a known prehistoric site, there is an expectation that a permit will be pulled on the front end of it. There is also what Ms. McDade Williams referred to as an "inadvertent finding." The example that keeps coming up is the rancher who is building a new barn and did not know anything was there. Then they dug the first hole and stumbled upon some human remains. There is a path forward for both of those situations. To directly answer your question, I would say that in the first case it does not slow it down at all. There is a known site, and they will do the right thing and pull the permit. We will ensure there is tribal consultation. In the second instance, yes. You will probably lose a day or two on that project. Any time there are human remains, law enforcement is called. We determine if the remains are more recent or prehistoric. Then there is an opportunity for consultation.

Assemblyman Kramer:

My point is that this is not a tool to stop development of property whether it is a building or something on private property. This is just to give honor and preserve the remains that are there. If it takes longer, that is just the way things are. Is that correct?

Senator Ratti:

Yes.

Assemblyman Ellison:

Maybe I am reading more into this bill than I should. What if you have a large area, like a mine, and they get ready to go into an area? Usually if they find a site, they come in and remove it, but could that tie up and stop the project going forward? I also have a question about existing objects in museums now. You see artifacts in casinos and museums all over the place right now.

Marla McDade Williams:

Mining activity operates either under federal or state law. If they come across something, there is a process they are expected to follow under federal or state law. We worked very closely with them to help them understand that undergoing their existing activity and governed by the existing laws that they have, the provisions of this bill would not affect them. In some cases, if there was not a requirement to consult with a tribe through the existing inadvertence law, yes, a tribe could come in to consult. They are looking for the Native human remains and making a decision about how to best repatriate and handle those items. It is not intended to slow anything down. It is intended to give tribes a voice in the process.

Your second question was about items already on display at the museums. That is not addressed in this bill at this time. I think it is an issue. As we continue to have conversations, we hope to be able to have solutions in the future about how to deal with some of those things. This bill is limited to Native human remains and funerary objects. That is our starting point for additional conversations in the future.

There are abandoned items where this bill goes broader than just Native human remains and funerary objects. Tribes would definitely have a seat at the table in terms of being able to take over those abandoned items, but right now, it is limited to Native human remains and funerary objects.

Assemblyman Ellison:

There are many prayer sites, but I do not see those addressed in this bill.

Marla McDade Williams:

There is no requirement for consultation under the new provisions of the bill if there is no intent to excavate and look for Native human remains at a prayer site.

Assemblyman Ellison:

My final question is about the fiscal note. Has that been removed?

Senator Ratti:

No, it has been approved by the Senate Finance Committee. It has been dramatically reduced from the original bill primarily because we narrowed it down from the broader items of cultural significance to specifically funerary objects and Native human remains.

Marla McDade Williams:

There are two different ways for the determination of cultural affiliation to be determined in the bill. There is one that is required under the federal law, Native American Graves Protection and Repatriation Act for museums. As it relates to the situation with mining, it will be a geographical cultural affiliation determination. Tribes in the state have agreed to sit down and identify those areas as the bill is implemented, so if a mine does come across something and they make the call, it will be easy to identify which tribe to engage to expedite the process.

Assemblywoman Neal:

Section 6, subsection 3, paragraph (e) says, "Fully protect the constitutional rights of property owners." I assume this is the private owner. What is the balancing act that is envisioned here between the tribe and the private owner? You are making this a duty of the Museum Director. I am not sure if they have had this duty before.

Senator Ratti:

In terms of protecting constitutional private property rights, the only thing the bill grants the tribes is consultation. There may be a day or two, but there is nothing in this bill that would affect anyone's constitutional property rights because the tribes have no more standing than consultation. If the property owner chooses not to follow their consultation, at the end of the day, it is still the property owner's right.

Assemblywoman Neal:

The way I read it, in section 6, subsection 3, the Museum Director shall adopt regulations and then there is a list, paragraphs (a) through (e). Section 6, subsection 3, paragraph (e) was to fully protect the constitutional rights of a property owner, so I was assuming they would create a regulation that did that exact act. I was trying to figure out how that would be phrased and whether they have ever had that power or authority to do that before.

Senator Ratti:

The museum is charged with the regulatory process. This bill expands to private lands for the first time, so the answer is no, the Museum Director has never had this responsibility before. This is the first time they have been asked to do this kind of work on private land.

Assemblywoman Neal:

Is that in the Museum Director's wheelhouse of knowledge? Does the Museum Director have a law degree?

Senator Ratti:

I would assume that the Museum Director has the same access to legal counsel as any other department. They are supported through the Office of the Attorney General.

Assemblywoman Neal:

I have another question about section 10. This talks about when the property is held by the institution. Section 10, subsection 1 claims that if the artifacts are held for three years or more, then you proceed to subsection 4. I was trying to get an understanding. You have the three years of abandonment. Then you have the 60 days. If no claim has been made to the property within 60 days after the date of the second published notice, then if the property is deemed abandoned, there is a list of things the Administrator of the Office of Historic Preservation shall do. In this section, at what point does this kick in? Does it kick in within the 60 days after the second notice or within the 3 years when no one has claimed it, and then we go into section 10, subsection 4?

Marla McDade Williams:

Section 10, subsection 4 would kick in after the three year abandonment period. Because there was no requirement for consultation prior to this bill with respect to these items, if the determination will be made moving forward after the implementation date within the next three years that property is abandoned, there would be this notice and consultation to tribes. In addition, if that decision is made, museums would comply with section 10, subsections 2 and 3, but tribes would also be a part of the notification process if it relates to Native human remains and cultural items.

Assemblywoman Neal:

Section 16 talks about the 50 percent. The holder of the permit can retain 50 percent in different scenarios. Is it no longer 50 percent after section 16, subsection 4, paragraphs (a), (b), and (c)? Is this when I can keep 50 percent if I meet those requirements, or does this remove that ability to retain 50 percent of the property?

Marla McDade Williams:

If those items are related to Native human remains and funerary objects, the tribe would be consulted. If the tribe determines that they do not want those items to be retained by the permit holder, then the permit holder would retain 50 percent of nothing. That is provided for in the bill. What it does not address at this time are other cultural items. If they found other cultural items under that permit, that holder of the permit would still be able to retain 50 percent of those items. We are writing the language in the bill, but federal law already protects Native human remains and funerary objects. This is just to help make inroads into that concept.

Assemblywoman Neal:

My last question is about the waiver in section 30, subsection 6. If the Indian tribe does not respond within ten days, it shall be deemed a waiver of their requirement for consultation. How did you get to the ten days? Why did you not give yourselves more time?

Senator Ratti:

We have been in hours and hours of conversation with the Office of Historic Preservation and the Nevada State Museum. We tried to strike a delicate balance between what is required in federal law, the private landowner's interests, what we are trying to accomplish on behalf of the tribes, and a myriad of other issues. The ten days was a compromise between keeping things moving along and ensuring that tribes still had an adequate amount of time for response.

Assemblywoman Neal:

We get the notice. At this point, I assume the way the bill has been written, we are trying to find the closest affiliated tribe, band, or group. Now, we have ten days for a prehistoric site. Does that seem fair to you? It does not seem fair to me.

Marla McDade Williams:

I think one of the barriers was concern that things could be in limbo for a long time. We agreed to set this forward. One of our goals is to have better relationships with the Office of Historic Preservation and the Nevada State Museum. This will not be brand new to everyone, and things will work faster and better as everything moves forward. Section 30 deals with requiring the state and its political subdivisions to cooperate with the Office of Historic Preservation to salvage or preserve historic, prehistoric, or paleoenvironmental evidence. It is an area where tribes want a voice in the process. This is how to get that voice.

Senator Ratti:

We are going from no consultation to at least ten days for consultation.

Assemblywoman Neal:

I get it. I am not trying to mess with your negotiations. I do think that whatever corner the Nevada State Museum pushed you into with this time period, it needs to be expanded. I think that ten days is unrealistic and ridiculous. I will leave it alone.

Senator Ratti:

Certainly, the state agencies have a role in that, but there is the private landowner who is also trying to move forward with projects. We are trying to strike a balance. If it is the right balance, I can guarantee many of us will be watching this closely for the next two years and are committed to bringing forward adjustments in the next biennium.

Chairman Flores:

I understand you have had stakeholders who see through a very different lens come to the table. I will not pretend we will figure out each angle in the next ten minutes. This is something you have been working on for hours. From conversations I have had individually with members, it is the spirit of this Committee to follow that negotiation and work with you. Is there anyone wishing to testify in favor of the bill?

Arlan D. Melendez, Tribal Chairman, Reno-Sparks Indian Colony:

I would like to express my appreciation to Senator Ratti and the cosponsors of this bill in capturing our thoughts in crafting the language of this bill. I think Ms. McDade Williams explained the components of the bill, but I want to say that from the tribal perspective, it does address representation, consultation, protection, and repatriation. As you know, we have the federal law, Native American Graves Protection and Repatriation Act. It mirrors and solidifies that federal law. Additionally, it puts emphasis on funerary objects and Native human remains. As you know, there are many tribes today who are looking at cultural centers. Hopefully, as we move forward in this partnership with the Nevada State Museum, the representation of having Native Americans for the first time participate on these boards and commissions is a first step forward. They can engage in dialogue and bring up points that are important to Native Americans.

The consultation is a great thing. It would be nice to be notified of events that are happening and be able to come to the table and express our concerns on Native human remains and artifacts. When you think about this, these are Native American objects. It is not really about owning them; it is about how we manage them. That is what this is about. As we look in general, I do not care what the situation is or whether there is a cost associated with it. If tribes are gaining land, we have a responsibility to manage that land, which decreases the cost to the state when you think about that idea of getting tribes more involved in taking responsibility. It should lower the cost to the state, I would think. Hopefully, if we think along those lines, we can work together to transfer some of the responsibility to the tribes. As you know, it is not just about funerary objects or Native human remains. There are a lot of sacred objects that are not associated with funerals or burials that are still out there.

As we start cultural centers, we need some of these artifacts to be transferred to the tribal museums and cultural centers where there are basically empty shelves right now. As we move forward, I hope that the Nevada State Museum, where they have stockpiles of these museum relics that are attributed to Native Americans on shelves that are not even visible to the general public, can work with our tribal cultural centers to transfer some of those to tribes. Right now, it is very difficult to get our hands on some of that stuff. I think that is something we can address in the future. We all want to showcase our history in Nevada. The Native American tribes are a part of that.

Michon R. Eben, Cultural Resources Manager, Reno-Sparks Indian Colony:

I would like to address the two questions that came up earlier from Assemblywoman Joiner and Assemblyman Ellison. Assemblywoman Joiner, you asked for an example about when this did not take place. I want to talk about something that happened several years ago. The Office of Historic Preservation was required to contact a tribe if any Native human remains or funerary objects were found on private lands. They had 48 hours to contact the tribes. I was contacted within that time, and I asked if the Reno-Sparks Indian Colony's cultural committee and some elders could visit the site to give it our determination. At that time, the Office of Historic Preservation said they would contact the private landowner. In between, I am not sure what was being said. I am sure there were positive remarks, but we were not allowed to visit the site. The private landowner would not allow that to happen. We were not allowed to visit our cultural site.

After that, those remains were excavated and scientifically tested. I do not know if there was destructive analysis. After that time, I asked for those funerary items to be returned to the Reno-Sparks Indian Colony. They said they would give them back. We were going to be receiving the skull of a Native American ancestor. When I called the Nevada State Museum to start that process, they did not know where the skull was. Ms. Alanah Woody, who is no longer in this world, had taken the skull to the University of Nevada, Reno (UNR) to be scientifically tested. In the meantime, I asked where the skull went. The skull was being driven to UNR from Carson City and driven back. When I heard that, and then I told my elders at the Reno-Sparks Indian Colony, it traumatized us. It is inappropriate to be driving

our skull around when we should be getting those repatriated. It is very heartbreaking. That is where our spiritual beliefs, traditions, and cultural beliefs come in. That is not what we do with our dead relatives. That is one example.

As for Assemblyman Ellison's question about stopping a project—when there is a project and an unanticipated discovery does take place, the Reno-Sparks Indian Colony does not want to stop the project. We are a part of progress. I love my car and my air-conditioning. We are not trying to stop a project. We are here to protect our Native American cultural sites and ancestors. We will ask to preserve, in place, if that is at all possible. This does not take a long time. If we can reinter in a location close by, we will do that, or we will ask for them to be repatriated back to the tribe. We will rebury them in a confidential place.

Alan Mandell, Tribal Vice Chairman, Pyramid Lake Paiute Tribe:

We are here to support S.B. 244 (R3). We definitely look forward to working with the state in the future. We have a museum and the lake, and we have a lot of funerary objects in the area that we need to take care of. We fully support the idea, and we appreciate the support from the Committee.

Laurie A. Thom, Tribal Chairman, Yerington Paiute Tribe:

I wanted to come in support of S.B. 244 (R3). We are thankful that Senator Ratti has brought this forward. The Yerington Paiute Tribe has been blessed with the fact that we have had private owners who have allowed us to repatriate. We do have a special area for our ancestors. We are working with the state at this point, and it would ease concerns of other tribes if this bill was to go through. The state is working with us on the Walker River State Recreation Area. It was designated by Governor Sandoval. We would like to designate those areas and explain what the cultural importance is and discover the burial sites that we may need to repatriate during that process once they implement state park facilities. This bill would help us move forward with that process. We would appreciate any help we can get.

Neil Mortimer, Tribal Chairman, Washoe Tribe of Nevada and California:

I appreciate the opportunity to speak with the elected leaders of the State of Nevada on behalf of S.B. 244 (R3). We appreciate the time and the work that the Reno-Sparks Indian Colony and the other tribes have put into this. We talk about repatriation and reintering funerary objects and the remains of Native American people. The way I see it, and the way our people see it, these are our people. These are our family members. It is no different from digging up a modern-day cemetery and displacing people's families. We are looking for an opportunity, as I see it. As the bill has been pared down over finances and different things that have come forward through the process of legislation, the tribes are offering that opportunity to take responsibility from the state agencies and private landowners to do the right thing in the spirit of remembering who we are as people. The Washoe tribe covers Honey Lake, California; Truckee Meadows; Carson City; Carson Valley; Alpine County, California; and more. We have thousands of years of history in this area.

Progress has gone forward for many years. We have no idea the impacts of that on our ancestry and what has been done. Yet, we come here in the spirit of statehood—as citizens of the country and state to work with you as our elected leaders as well as to see these things done correctly. We understand progress; we understand things will take place. We move forward on progress and economic development to provide a better quality of life for our members. We understand the responsibility that many of you bear for the citizens of this state and on a national level.

On the national level, we are losing the history of our own country. I speak as a member and a citizen of this country. It is time for us to be considerate of those things that are important. The tribes are bringing these issues forward and telling you that these are important for us. They may be considered items and objects in a museum, but at some point, these were the tools our families used. These bones are the bones of our families. These are our people. In return for hundreds of years of not having the best quality of life, we are asking that these people be laid to rest. If they are going to be on earth and moved, consider the tribe as a place.

Some of the things we are discussing right now, our people would not even want to touch or handle out of respect to those who are gone, but it puts us in a unique situation. We have no choice but to deal with what we call progress. In return, we hope you support this. We look forward to any support we can offer at this level. Thank you for what you are doing as leaders of our state.

[The witness submitted prepared text that included additional testimony ([Exhibit H](#)).]

Chairman Flores:

Are there any other questions from the Committee? [There were none.] Is there anyone wishing to testify in favor of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill? [There was no one.]

Senator Ratti:

I want to thank the Committee for hearing this bill today. It is a pared-down version of the original bill. I think we have made good steps in starting a dialogue with the Office of Historic Preservation and the Nevada State Museum. They have been at the table and worked with us over a long period of time. I am comfortable that this is a good place to start. We can work with this for two years and then see where we are. We will continue the conversation over the interim. There are very important pieces in the bill, and I think representation on the boards will carry this dialogue forward. Getting into the practice of consultation will help us learn the lesson that repatriation and consultation are such important concepts.

Chairman Flores:

I will close the hearing for S.B. 244 (R3). I know there are members of the Committee who are inclined to want to help with this dialogue and change 10 days to 30 days. I assure you that the sponsors have been working diligently with all stakeholders. This is the middle ground for everyone who has come to the table, so I would urge the Committee not to mess with that. We were not a part of those conversations. I would ask that we refrain from wanting to fix something. I think this is where they are.

I would like to entertain a motion to do pass Senate Bill 244 (3rd Reprint).

ASSEMBLYMAN McCURDY MADE A MOTION TO DO PASS
SENATE BILL 244 (3RD REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

Assemblyman Ellison:

I totally agree with all of the statements made. I really enjoyed hearing about this history. I will vote this out of Committee, but I just got this bill this morning. I want to ensure I read everything in case there is something I want to go over with Senator Ratti.

Assemblyman Marchant:

Ditto. I want to read it more and get comfortable with it.

Assemblyman McArthur:

I have the same problem. The people who spoke in favor of this spoke very well, and I really liked it. I sort of like this bill, but it is 25 pages, and I need to read it more. I will vote no, but I will reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMAN McARTHUR VOTED NO.
ASSEMBLYMEN CARRILLO, NEAL, AND WOODBURY WERE
ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblyman McCurdy will take the floor statement. Next on the agenda is the work session. I sent an email yesterday pertaining to Senate Bill 72. We made a motion to amend and do pass S.B. 72 out of this Committee on May 17, 2017. The amendment pertained to a \$5,000 cap. It is in conflict with a bill that made its way out of the Assembly Committee on Ways and Means. I asked that the bill be brought back to Committee so we could rescind that original motion. I will be looking for a motion to rescind Senate Bill 72. Afterward, I will entertain a motion to do pass. All we are doing is making sure there is parity between the bills. I want to ensure there are not conflicting bills making their way out of this Committee and the Assembly Committee on Ways and Means.

Senate Bill 72: Revises provisions governing the Merit Award Program. (BDR 23-239)

Jered McDonald, Committee Policy Analyst:

Senate Bill 72 revises provisions governing the Merit Award Program ([Exhibit I](#)). I will talk a little bit about the amendment. You will recall the amendment deleted section 2, subsection 5 regarding a cap on expenses. The Committee at that time voted to remove a conflict with another bill, Assembly Bill 467, which it had previously considered. That bill subsequently went to the Assembly Committee on Ways and Means. Thinking that this Committee would pass this bill without an amendment, the Assembly Committee on Ways and Means added an amendment to Assembly Bill 467 to remove the cap, so at this point, the Committee's option is to rescind the original motion. It would take the bill back to its original version.

Chairman Flores:

I would like to entertain a motion to rescind the action taken on May 17, 2017.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO RESCIND THE PREVIOUS ACTION TAKEN ON SENATE BILL 72.

ASSEMBLYMAN BROOKS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARRILLO, NEAL, AND WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

I will entertain a motion to do pass Senate Bill 72 without the original amendment proposed on May 17, 2017.

ASSEMBLYMAN DALY MOVED TO DO PASS SENATE BILL 72.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARRILLO, NEAL, AND WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblywoman Monroe-Moreno will take the floor statement. Is there any public comment? [There was none.] This meeting is adjourned [at 11:05 a.m.].

RESPECTFULLY SUBMITTED:

Isabel Youngs
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated May 2, 2017, in support of [Senate Bill 244 \(3rd Reprint\)](#) to Senator Julia Ratti, authored by Bradley Crutcher, Tribal Chairman, Fort McDermitt Paiute-Shoshone Tribe.

[Exhibit D](#) is a letter in support of [Senate Bill 244 \(3rd Reprint\)](#) to Senator Julia Ratti, authored by Victor Mann, Tribal Chairman, Lovelock Paiute Tribe.

[Exhibit E](#) is a letter dated May 4, 2017, in support of [Senate Bill 244 \(3rd Reprint\)](#) to Senator Julia Ratti, authored by Amber Torres, Tribal Chairman, Walker River Paiute Tribe.

[Exhibit F](#) is a letter dated May 1, 2017, in support of [Senate Bill 244 \(3rd Reprint\)](#) to Senator Julia Ratti, authored by Vinton Hawley, Tribal Chairman, Pyramid Lake Paiute Tribe.

[Exhibit G](#) is a letter dated May 4, 2017, in support of [Senate Bill 244 \(3rd Reprint\)](#) to Senator Julia Ratti, authored by Rodney Mike, Chairman, Duckwater Shoshone Tribe.

[Exhibit H](#) is a letter dated May 8, 2017, in support of [Senate Bill 244 \(3rd Reprint\)](#) to Senator Julia Ratti, authored by Neil Mortimer, Tribal Chairman, Washoe Tribe of Nevada and California.

[Exhibit I](#) is the Work Session Document for [Senate Bill 72](#), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.