

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-ninth Session  
February 15, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:04 p.m. on Wednesday, February 15, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Julia Ratti  
Senator Joseph P. Hardy  
Senator Pete Goicoechea

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Heidi Chlarson, Counsel  
Suzanne Efford, Committee Secretary

**OTHERS PRESENT:**

Chris Chimits, R.A., Deputy Administrator, State Public Works Division,  
Department of Administration  
Pat Whitten, County Manager, Storey County  
Marshall McBride, Chair, Storey County Board of Commissioners  
Jack McGuffey, Vice Chair, Storey County Board of Commissions; Vice Chair,  
Nevada Commission for the Reconstruction of the V&T Railway  
Bob Crowell, Mayor, Carson City  
Nick Marano, City Manager, Carson City  
Jeff Page, County Manager, Lyon County  
Lisa Gianoli, Washoe County  
Dwight Millard, Chair, Nevada Commission for the Reconstruction of the  
V&T Railway

Senate Committee on Government Affairs  
February 15, 2017  
Page 2

Candy Duncan, Project Coordinator, V&T Railway  
Kim Fegert, Gold Hill Historical Society  
Sherry Rupert, Executive Director, Nevada Indian Commission  
Neena Laxalt  
Laurie Thom, Chair, Yerington Paiute Tribe  
Marla McDade Williams, Commissioner, Nevada Indian Commission  
Jay Craddock

CHAIR PARKS:

We will open the hearing for Senate Bill S.B. 44.

**SENATE BILL 44**: Authorizes the State Public Works Division to issue certain permits. (BDR 28-238)

CHRIS CHIMITS, R.A. (Deputy Administrator, State Public Works Division, Department of Administration):

I have submitted written testimony describing the intent of S.B. 44 ([Exhibit C](#)).

SENATOR MANENDO:

Was this an issue in the past, or did it just come up because of one project at the Grant Sawyer Building? Why did this not come forward earlier if other municipalities can use it?

MR. CHIMITS:

This issue occurred on other projects. In fact, at that same site, a fiber contractor wanted to compete for the right to bring fiber into the building. We could not issue him a permit for the same reasons. It has occurred numerous times in the past.

The main emphasis for this is that other building departments in Washoe County, City of Reno or North Las Vegas issue permits to the contractors. The contractor is the person who controls when to call for inspections. When the contractor needs input, he or she is the person who responds to notices of noncompliance.

State agencies have expertise in other areas. Giving the permit to a State agency is awkward at best. Outside vendors, contractors, architects and engineers know how business is done at every other building department. Therefore, it would be beneficial to conduct ourselves in a similar manner.

SENATOR MANENDO:

I just wondered why now and not a long time ago.

MR. CHIMITS:

I apologize for not asking for this much sooner.

SENATOR MANENDO:

I did not know if this has become a problem. I can certainly see the merit.

MR. CHIMITS:

We have developed a work-around. We are behaving in accordance with the law.

SENATOR RATTI:

How do you collaborate or coordinate with local planning authorities when you are doing projects within their jurisdictions?

MR. CHIMITS:

We do not except when we are working at Stead. That property does not belong to the State, so the City of Reno issues permits because it is the jurisdiction having authority.

The State Public Works Division's building official has jurisdictional authority on State-owned land. We do not normally interact with building officials in other counties. The exception to that was the Springs Preserve Museum. The property did not belong to the State, but it was a State building. We ran the plans and specifications through the City of Las Vegas Building and Safety Department and got a permit issued to the contractor.

SENATOR RATTI:

You have a fully functional planning and development department that stands alone within the State. You adopt your own building and fire codes. Your codes may not be common to the codes that are in the jurisdiction in which you are building.

MR. CHIMITS:

They are common to the jurisdiction, but we enforce them. Our building official issues the building permit, and then our building inspectors enforce that permit on the construction.

SENATOR RATTI:

As an example, we are going to review a bill addressing fire sprinklers in the Assembly. However, a jurisdiction wants to do something different. If your code were different from those of the jurisdiction, would you even know?

MR. CHIMITS:

I am not clear on your question. Are you referring to the State Fire Marshal's authority?

SENATOR RATTI:

No, I am referring to all the different levels of building codes with which contractors must comply. I am reflecting on my personal experience on the Sparks City Council. We would regularly update our building or fire codes. Sometimes we chose to do almost all of the updates recommended by the national organizations, but occasionally, because of some unique circumstance within our jurisdiction, we would choose not to update certain sections of the codes. The building codes are mostly uniform across the State, but there can be some small differences in certain jurisdictions.

MR. CHIMITS:

We have the same situation. One unique thing we do is to adopt new codes every six years because the Legislature meets on a two-year basis. Codes are adopted through the legislative process and then issued every three years. It made sense to do it that way. Other than that, we behave similarly to other building departments.

SENATOR RATTI:

When you build a project on State lands and are doing all of the planning and development functions, do you occasionally affect roads and sewer systems?

MR. CHIMITS:

We hardly ever affect roads or sewer systems. We bring infrastructure to our projects from existing infrastructure in adjacent roads. We do vertical construction.

SENATOR RATTI:

Do you collaborate or coordinate with local planning jurisdictions to ensure that a road is not torn up right before it is repaved?

MR. CHIMITS:

Yes, we do that.

SENATOR RATTI:

Are you in communication with them if not collaborating with them?

MR. CHIMITS:

Yes.

SENATOR GOICOECHEA:

I am concerned about this. Just because you own the land does not mean it relieves you from any restrictions that might be in place. The local government typically plans for the local contractor or the public. The government owns the property, but it still has to go through the county to get the building permit.

This says that the State owns the land and the State issues the building permit. I would like something in the bill that addresses, at least, a sign-off from the local government.

MR. CHIMITS:

Statutes delineate that the State Public Works Division is the building official when the property is state-owned. However, the statute also says that the State has to comply with all local zoning ordinances. That means if the county requires infrastructure from a private developer, we abide by that as well. It is a zoning requirement if a stop light needs to be installed or the county wants turning lanes or improved sidewalks. The statutes are configured to address your concerns so the State does not come in rogue. We comply with zoning ordinances.

SENATOR GOICOECHEA:

As I understand it, this bill is carte blanche. It says the State has the ability to issue the permit. There has to be some sign-off from the local government.

MR. CHIMITS:

We have been issuing permits to the State agency. We are now asking to issue permits to the contractor who is effecting the construction. That is all this changes.

SENATOR GOICOECHEA:

I understand that you wish to issue permits to the contractor instead of going through a State agency that does not necessarily have the ability to provide oversight on that building permit.

The way this reads to me is confusing. It says, "may issue to a person any permit required ... ." It does not say anything about the local jurisdiction. Maybe we need to cite the statute you mentioned that says it has to be approved by the zoning or planning board.

MR. CHIMITS:

We would be happy to add that we comply with zoning ordinances to the bill. That would be a good idea.

CHAIR PARKS:

I had the same thought. Ms. Chlarson is reviewing chapter 341 of *Nevada Revised Statutes* to determine if there is something that was not added as informational to the bill.

We will close the hearing on S.B. 44 and follow up on Senator Goicoechea's concerns.

We will proceed to our next bill, S.B. 45.

**SENATE BILL 45**: Revises provisions relating to the State Public Works Division of the Department of Administration. (BDR 28-128)

MR. CHIMITS:

I have submitted written testimony explaining S.B. 45 ([Exhibit D](#)).

SENATOR GOICOECHEA:

The bill says, "owned by any component of the Nevada System of Higher Education (NSHE) ... ." Does that include all of the community colleges and not just the University of Nevada, Reno (UNR), and the University of Nevada, Las Vegas (UNLV)?

MR. CHIMITS:

The existing law only states UNR and UNLV, and NSHE inspects other campuses. The statute only identifies those two. That is why they are specifically named in the bill. Statute requires that we inspect UNR and UNLV.

SENATOR HARDY:

As I read the bill, "The Division shall periodically inspect all buildings owned by the State, except any building or physical plant facility owned by any component of the Nevada System of Higher Education." Nothing that NSHE has is inspected by the State. Is that right?

CHAIR PARKS:

Yes, as I understand it, you are correct. They have their own inspection staff that covers all of their facilities.

I was hoping there was someone here from NSHE who could make that confirmation.

I will close the hearing for S.B. 45 and open the hearing on S.B. 57.

**SENATE BILL 57**: Revises provisions relating to the Nevada Commission for the Reconstruction of the V&T Railway. (BDR S-414)

PAT WHITTEN (County Manager, Storey County):

The goal of S.B. 57 is simple. We want to restructure and streamline the Nevada Commission for the Reconstruction of the V&T Railway. There are nine members on the Commission. This only affects the long line operation, which is the line from Carson City to Virginia City. A short line inside Virginia City is privately owned.

The following nine members have representatives on the Commission: Carson City, Douglas County, Lyon County, Storey County, Washoe County, the Governor, the Senate Majority Leader and the Speaker of the Assembly.

Over the past 20 years, the Commission made this happen. There was nothing there when the Commission was formed, other than the short line. I want to be clear that there are no problems with the Commission. It has moved from a "let's build it" to a "let's operate it" position.

Our proposal reduces the number of Commissioners from nine to five and is broken out as follows: Carson City, Storey County, Carson City Convention and Visitors Bureau (CCVB), Virginia City Tourism Commission (VCTC) and the Governor's appointee.

This puts the players with investments at the table. Storey County has a .25-cent sales tax override that goes to this operation. Carson City is the major funder with its room and sales taxes. Those who work in the tourism business with CCVB and VCTC would be on the Commission. We would work very closely with their marketing programs.

For instance, we host Hot August Nights every summer for the kick-off weekend. The groups are already working to market the train ride to its maximum occupancy by saying come up and see the old cars, ride the train and have a good time. Let the marketing people be the geniuses that they are.

We also can bring in support as necessary. We can provide legal services right now because the Commission has an excellent attorney from Douglas County. "If it's not broke, we don't fix it." That is why we said "may" in the bill. In addition, we might be able to provide some fiscal record keeping and budgeting because we are familiar with the Department of Taxation's standards and requirements. They are the same for us as they would be for the V&T.

We do not know of any cost to anyone. There is only potential savings through some of the services that any of the four entities might be able to realize.

We have worked with the Commission to streamline this. I am pleased to say that, to the varying degrees, all of the local government entities that would no longer be on that Commission, Washoe, Douglas and Lyon Counties, support these efforts.

The Commission expanded to nine years ago because the additional counties would be a funding mechanism. That never really happened to any great degree. They have no problem with the bill.

We have been working directly with Carson City's Mayor Bob Crowell and City Manager Nick Marano. They have supported our efforts.



SENATOR MANENDO:

Did you also check with the Speaker of the Assembly and the Senate Majority Leader to determine if having their people removed is acceptable?

MR. WHITTEN:

No, we have not, but we shall.

MARSHALL MCBRIDE (Chair, Storey County Board of Commissioners):

My involvement with the railroad goes back several years, prior to any track being laid. I was a member of the foundation for the reconstruction of the V&T Railway, which was the fund-raising arm of the Commission. I was involved for seven years. A former Storey County Commissioner brought me in about 20 years ago.

During those years, the foundation was responsible for getting legislation passed to build the railway. It was also responsible for obtaining the custom license plate, through the Department of Motor Vehicles, for the V&T Railway. It says, "V&T lives."

A few years after its origination, the Commission added Douglas and Washoe Counties to its three representatives from Lyon County, Carson City and Storey County. The intention was that by getting Washoe County with the Reno and Sparks casinos involved and Douglas County with the Stateline/South Shore casinos, those businesses would find the advantages of the Railway as another tourist destination to hold their customers over for one or two additional days. It was good in theory. We did not talk to those casino operators prior to adding those counties. It was done through legislation. Unfortunately, it was never realized.

The casinos and the other counties were unable to step up financially and help fund the project. All of these years later, Storey County, with its .25-cent sales tax, and Carson City, with its room tax increase of 2 percent and an increase of a .125-cent sales tax, are the primary funding sources. In the early days, transportation funds helped push along the geotechnical and environmental assessment studies that had to be done before anything could be started on this project.

Later on, U.S. Senator Harry Reid was instrumental in bringing in some federal transportation funds to build the tracks from Gold Hill to Carson City. The only

taxation that has ever come to be has been by the two counties, Carson City and Storey County. We were able to get some other federal funds to complete Tunnel 2 in Lyon County. Because of the economic demographics of that County, the funds were there.

Outside of the federal government, only Carson City and Storey County have any interests in this project. We would like to have control of our goals. Carson City has been a great partner with this project all along. That is why having only two counties as the leaders on the project would be best.

JACK MCGUFFEY (Vice Chair, Storey County Commission; Vice Chair, Nevada Commission for the Reconstruction of the V&T Railway):

I have been on the Commission for almost two years. During that time, I have observed the routine operations of the Commission, the train, and the costs and maintenance of this system.

Spending most of my life in the corporate world, I cringe whenever the V&T budgets come around. There are two different budgets in two fiscal years. It is very hard to follow. We are paying two contracts for bookkeeping. We always look for ways to improve and save our pennies. I have the cooperation of the Storey County Comptroller to take over those books. Then we would not be paying private people to do that. That is just one of the few things on which I am working.

For the most part, the train runs in the red all summer. That is because we do not have the ridership we would like to see. However, riders always come through at the end at Christmas with the Polar Express. That is the Railway's bread and butter.

I would like to involve the Carson City and the Virginia City tourism directors. They are both on board with this. They are already using social media outlets for advertising. It is all set up as a plug and play for them. It makes sense to bring people to the Commission who are already in the tourism business. This helps hold their feet to the fire to make it happen.

I have spoken with the Commission appointees from Carson City, Lyon, Douglas and Washoe Counties. They all support this recommendation.

SENATOR RATTI:  
Who is the Washoe County representative?

MR. WHITTEN:  
It is Jeanne Herman.

SENATOR MANENDO:  
Is there a one- or two-member crew on the train?

MR. WHITTEN:  
Multiple crewmembers are on the train. The Commission does not run the train. It is leased out or programmed out to the existing Virginia & Truckee Railroad that operates from Virginia City to Gold Hill. There are different engines and different cars. The company has at least two crewmembers in the cab of the train. Individuals in each car provide a narrative of what is being seen along the way.

I need to correct my testimony. When I listed the existing members of the Commission, I left one off. There is a representative from the V&T Railroad Historical Society. It is not an active organization, but we have one member from the Society.

SENATOR MANENDO:  
Excluding the people who are doing the narratives, can you get information on how many crewmembers are working? I do not want to know how many total employees there are, but how many are in the cab when the train is moving.

MR. WHITTEN:  
Certainly.

SENATOR GOICOECHEA:  
Are the crews volunteers as at the Nevada Northern Railway in Ely?

MR. WHITTEN:  
No, those in the cab are paid employees of the V&T Railroad. The docents may or may not be paid. The Railroad also has a gift shop at the terminals in Carson City and Virginia City. Many are paid. It is probably more commercial than the Nevada Northern Railway.

BOB CROWELL (Mayor, Carson City):

The Carson City Board of Supervisors has not taken a position on this bill. I sat on the Commission for the last eight years. I agree with Mr. Whitten when he said this railroad would not be operating if it had not been for the Commission. I will tell you publicly that the person who has done the most on this is Dwight Millard. They deserve much credit for what they did and what they brought to northern Nevada. As Mr. Whitten said, we are moving from a construction firm to an operating railroad.

We worked closely with Storey County on what it is presenting in this bill. As a member of the Commission, I do not have any difficulty with that. This change allows the Commission to have members from Carson City and Storey County who do not have to be employees. A member will be a representative of Carson City regardless of being a member of the Carson City Board of Supervisors or a member of the public.

NICK MARANO (City Manager, Carson City):

Although I have not yet presented this bill to the Carson City Board of Supervisors for its consideration, the Board has authorized me to come, testify and present the City Manager's opinion on pending legislation. We support Storey County's effort to bring this bill forward. Streamlining the Commission would help keep the operation in the black. We thank the current and past members of the Commission for their work in getting us to this point. We support this bill.

CHAIR PARKS:

Is there a prospect of continuing this railroad to the Nevada State Railroad Museum?

MAYOR CROWELL:

There is always a prospect. Much thought has been given to that. One of the key items is moving the railroad from the V&T Eastgate Depot on the eastern end of Carson City. It would go down to the river, do a loop and go back up the canyon. However, we do not have enough money to drive it all the way into the valley.

Over the years, we have been considering driving the railroad into the valley and at some point tying into the old V&T Railroad right of way to Douglas County and Minden. That would not drive it all the way to the Museum, but it might be

able to go by the old State prison and into that area. It is all a matter of money. Some owners of the rights-of-way in Douglas County are interested in doing something like that.

JEFF PAGE (County Manager, Lyon County):

We support Storey County's proposal because we have not put any funding into this other than mileage for our Commissioner to go to the meetings. To be quite honest with you, Lyon County having a say in the operation of the V&T is useless. It is simple for Lyon County to get out of it and let Storey County and Carson City run it.

The train does go through Lyon County, but you cannot even rob it because it is too high up on a trestle. You can see it go over the overpass and that is about it.

LISA GIANOLI (Washoe County):

We support the change. We contributed dollars before the downturn. That is one of the things cut in those days. We completely understand.

DWIGHT MILLARD (Chair, Nevada Commission for the Reconstruction of the V&T Railway):

The Commission was responsible for the reconstruction, which was what we did for many years. In August 2009, when the tracks were completed, we ran the inaugural train from Virginia City to Carson City. Since then, we have run seven consecutive years for the full season.

After the tracks were completed, we did not actually have any facilities to run our rolling stock. We own a locomotive, but we contract directly with the Gray family who runs the Virginia and Truckee Railroad out of Virginia City. They provide the train for us. It is like wanting to go somewhere and contracting for a bus. We contract for the train. We take the responsibility of selling and advertising it, and they take the responsibility for running the train.

There were some questions earlier about the train. The Gray family is very reputable. The Federal Railroad Administration inspects the operation in Virginia City regularly for compliance. The Gray family keeps us informed, does all of the record keeping and keeps us compliant.

We promote, advertise and run the train. The Gray family provides the actual rolling stock and meets all of the requirements to do that. We have contracted with the family to provide those services.

In the last couple of years, we began operating at the end of May and run through October. That is our normal season, which sees about 12,000 people on the train to Virginia City. We run on Saturday and Sunday. We add a few Friday rides, some wine trips, some melodramas and some murder mysteries throughout the year. Those 12,000 people ride during the regular season.

Six years ago, we started the Polar Express. The Polar Express is a nationally syndicated program. We pay the program a large fee to do it. Over 16,000 people ride the Polar Express in six weeks. We run three trains a night. It is an organized one-hour trip with a half hour between runs to clean the cars, resupply the hot chocolate and cookies, and take off again. We keep many people employed. There are three or four elves and Santa Clauses on every car. This year we ran four cars. Our goal is to run five cars next year.

Our goal for this season is to try to run three cars during the normal season. One of the problems is that we are running old junk. The engine was built in 1901. It is due for a complete renovation, which will cost about \$500,000. It will be taken completely apart, because it is a boiler, and put completely back together. Only certain people can do the work. We hope to have the engine back on line this summer. It is a bigger engine and will be able to pull more cars. All we need is the cars.

I do not oppose S.B. 57. The three counties and the positions being eliminated do not affect me one way or the other. I run the Commission and everyone else a little hard-handed. I am willing to take others' opinions, but they had better be good. That is why I run the train.

The reason I was appointed to the Commission is that I am the general contractor who built the depot in Carson City. We did not need a permit because it is built on Bureau of Land Management land. We built it and they came. I believe in forgiveness more than permission.

The Commission can become operational. Just in the last year, we bought several hundred acres from the Bently family. We were fortunate to do that before Don Bently died. He owned a large piece of land in the canyon that

comes down. We also bought another piece from John Serpa in conjunction with Carson City, which was used as open space. We now have the ability to run the train all the way down the Carson River canyon, as Mayor Crowell mentioned, to a turnaround at the bottom of the canyon and go back up. It is pristine. There are no homes or developments. It is absolutely gorgeous. We have spoken with many consultants who have said that is the gem of the line and we should do that.

That project would cost approximately \$2 million. We will do additional construction as we find money. We probably need to build a better, more permanent facility as a gateway in Carson City. We have a depot at the top of the hill going to Lyon County.

Regarding this bill, I do not care if you remove three people from the Commission or decide who keeps the books. We will spend the money. Their job is to keep track of it. The only thing I would add is that maybe there is some method or mechanism to help fund it.

The funding we have is short approximately \$150,000 to \$200,000 a year. Storey County and Carson City have reviewed those shortages and have been helpful in the past. As times got hard, they were more restrictive, but now they are opening it up. A one-car addition to the Polar Express represents \$250,000 to our operation.

To give you a quick example, the normal operation is \$700,000 income, and it costs us \$350,000 to run it. During the normal season, we take a loss of \$350,000. We on the Commission feel that is our job. Our job and our mandate were to run the train. If you ran it like a business and said that everything that loses money is gone, the main part of the whole train would be gone. The only thing that is good is the Polar Express. We use the Polar Express in the Carson City venue to make money to offset our losses during the season.

This train is a valuable asset for tourism to the region, to Reno, to Carson City and to the Ridge at Lake Tahoe. We only go through Lyon County for a minute so they do not have an interest. However, Douglas and Washoe Counties, even if they are not on the Commission, still benefit from it and should be aware of it. If nothing more, they should at least acknowledge that it exists and help promote it. Without giving us dollars, if they just promote it in their own

brochures, that would be a help. However, it has to be acknowledged in their minds that they can help make this a regional attraction.

SENATOR GOICOECHEA:

Do you have a flat contract with the Gray family, or is it a cost-share percentage?

MR. MILLARD:

We have a flat contract with the Gray family. We pay them a certain amount every time they run the train. We go two miles down the canyon from the depot in Carson City. The track is already in the canyon. We need more money to get through those two rights-of-way and build a turnaround. Everyone contracts with us. We have a contract with Candy Duncan for being the executive director and doing the promotions. The Department of Tourism and Cultural Affairs contracts with everyone. It does not have any employees who work the train or any aspect of it. The Commission does it all by contract.

CANDY DUNCAN (Project Coordinator, V&T Railroad):

We have raised many funds for the reconstruction and laying the track. I am not in direct opposition to what Storey County has proposed; however, I did want to offer you an alternative perspective.

Many of the people I spoke with stayed in Lake Tahoe and Reno. Those hotels benefit greatly from our project. It would be unfortunate if we release Washoe and Douglas Counties from any obligation in helping us promote the railway. They benefit through their room tax and tourism dollars. I am just saying that they should still have some representation on the Commission and be able help us with our marketing programs.

The V&T Railway was originally designed not just to be a Carson City and Virginia City project or just benefit those two communities but also to benefit the entire northern Nevada region. It has a lot of value in that respect. I encourage you to consider that maybe that representation should be left on the Commission so we can benefit from the Counties' expertise and they can benefit from what we bring to them.

KIM FEGERT (Gold Hill Historical Society):

We support the reduction of the Commission. We understand why it was expanded, which was not a correct decision. We do not support reducing it as



outlined in this bill. The preface for the report I submitted ([Exhibit E](#)) contains ideas for other places to look for better structure of the Commission.

The State should be proud of the Nevada Northern Railway operation. It has a general manager who is responsible for everything that goes on there. The operation does not have many resources to work with either. It has nowhere near the budget these people do, but it has 80 times the infrastructure.

There is a railroad called Cumbres and Toltec, which is owned by two different states, Colorado and New Mexico. Each state has two representatives appointed by their governors to be the board. They created a corporation that runs like a regular business with a general manager in charge who is responsible for everything.

Our Department of Tourism and Cultural Affairs is responsible for the railroad museums in northern and southern Nevada. Southern Nevada has its own excursion operation, which is directly connected to the State's operation. The State owns the bulk of the railroad outside of the Gray family's operation. Considering the Commission's concerns for expedience rather than for looking out for the taxpayer, the Department of Tourism and Cultural Affairs might be a better fit because it is more accountable.

The big issue that I have seen throughout the years is that this operation is spread too thin. The accountability is practically nonexistent. It is a shame. Many stupid decisions were made. Mr. Millard just indicated that he is more interested in asking for forgiveness than permission. This Commission should look into what has happened in the history of this operation. Not only the pat-on-the-back stuff that makes it look good, but also the things that went awry. Maybe a different kind of management structure should be considered that addresses what is key—accountability.

MR. WHITTEN:

Listening to the neutral and the sort-of against proposals, I agree with what Ms. Duncan and Mr. Millard said. We share that. We do need to fund this. We are funding it, but we need to find better ways to fund it. Another way of funding is by reducing expenses on the accounting side.

I got an email from my tourism director earlier today. There are already a number of special trains being commissioned. Those trains are vital to us. We

have talked with Mr. Millard and Ms. Duncan about extending the time the riders stay in Virginia City. It takes time to get from the train up to the businesses on C Street. That shortens their experience and their time in Virginia City.

As far as Mr. Fegert's testimony is concerned, Storey County has had some differences with him, and he has differences with the Commission and with the Gray family. The Gray family is an icon in northern Nevada. The V&T Railway, as I know it, both the short line and the long line, are here because of the vision of Bob Gray.

CHAIR PARKS:

We will close the hearing on S.B. 57, and open the hearing on S.B. 83.

**SENATE BILL 83**: Revises various provisions relating to the Nevada Indian Commission. (BDR 18-245)

SHERRY RUPERT (Executive Director, Nevada Indian Commission):

Senate Bill 83 is legislation that, if enacted, would expand the purpose and powers of the Nevada Indian Commission. The proposed measure would expand assistance to tribes, State agencies and municipalities by facilitating and/or enhancing government-to-government relations and collaborative efforts that focus on enhancing tribal capacity within this State and allow the Nevada Indian Commission to become a clearinghouse for State resources in tribal matters.

The Nevada Indian Commission was established in 1965, introduced in the Legislature by Assemblyman Ernie Johnson and signed into law under the hand of Governor Grant Sawyer to serve as the conduit between State government and the 27 tribes of Nevada. The Commission provides a forum in which tribal concerns are heard and conveyed to the Governor. From its early beginnings, the Commission has been the expert on interaction with tribal governments and has been the investigatory body in Indian affairs for the State. However, as with all things, the Commission has evolved and grown in its capacity and outreach both intergovernmental and outside of government.

The legislative purpose of the Commission is to study matters and affairs affecting American Indian people resulting in inherent limitations which do not reflect the current and progressive nature of the State. Therefore, we are

recommending that *Nevada Revised Statutes* 233A be revised to expand the authority of the Commission.

We know that some agencies have good communication and agreements in place and others struggle with the understanding of how to interact with tribes. The intent of this legislation is not to circumvent formal, federal consultation that is required of some State agencies. This is where State agencies receiving federal program funds are mandated to meet directly with tribal governments. Rather, we would like to assist and enhance those relationships.

The Indian affairs agency should be aware of what the other State agencies are doing to work with tribes. The Commission would like to assist where it can to make sure that both the State and tribal governments are communicating and working efficiently together. We can do this through the departmental tribal liaisons. My thought is to develop a tribal liaison program to work with department tribal liaisons. They will gather information about how the departments are working with the tribes and identify areas where assistance is needed, such as cultural competency training, customer service, and information on tribal governments and history. Some departments may not have a tribal liaison, but we will ask that they identify department tribal liaisons to work with us.

Through this work, the Commission becomes the clearinghouse enhancing the flow of information and technical assistance to those requesting assistance in a more efficient manner. The Commission has consulted with a few of the State agencies and has prepared an amendment ([Exhibit F](#)) to section 1, line 16 to remove the words "from time to time," and in section 2, line 35 to add "government-to-government relations to coordinate and enhance consultation between the State and tribal governments within Nevada."

CHAIR PARKS:

Would you explain the proposed amendment, [Exhibit F](#)?

MS. RUPERT:

Section 1, subsection 2, says, "The Commission shall make and report from time to time its findings and recommendations ... ." We would like to delete "from time to time" to make when we provide findings and recommendations more definite.

Section 2, subsection 4, says, "Facilitate coordination and consultation between the State and tribal governments within Nevada." We would like to amend that to say, "Facilitate government-to-government relations to coordinate and enhance consultation between the State and tribal governments ... ."

Some State departments already work well with the tribes, and some already have agreements in place with the tribes. We do not want the departments to go back and redo those things. We want to be able to have that information, monitor the work that is going on with the tribes and identify any opportunity to enhance that relationship should there be a misunderstanding or not enough information to be able to work with tribes. Sometimes it can be intimidating, or you just do not know or you want to be politically correct. We want to be able to provide assistance to our State agencies as they work with tribes.

NEENA LAXALT:

I am representing myself and disclose that I am the Chair of the Stewart Indian School Preservation Alliance, which is the nonprofit that raises funds to preserve the Indian School property. The Indian culture is very near and dear to my heart. Its preservation is important, and part of that preservation includes understanding.

I agree with Ms. Rupert that coordination and integration is important because the Native Americans have always been a sovereign nation. That has always set them aside, and people do not know quite how to deal with them. It is important to build relationships and close the gaps between the differences in cultures. Through this Commission, we will understand the culture, the heritage and the history of Nevada.

LAURIE THOM (Chair, Yerington Paiute Tribe):

The Yerington Paiute Tribe supports the language in S.B. 83. We agree that there is a need for additional consultation on the State agency levels. Coordination with the Intertribal Council of Nevada executive board is welcomed and encouraged. We support the work that the Nevada Indian Commission is doing. Historically, tribes have faced difficulties in the consultation process when we work with State agencies. Some tribes have been able to establish a better relationship, while other tribes have not at certain State levels. Some of the consultation process issues that tribes are facing are land use and protection changes, natural resource use and protection, the enactment of new laws that affect tribal economic development, and employment regulations. Sometimes

this may be due to the State agencies not having the knowledge of or education on each tribe because each tribe is a sovereign nation on its own. We develop our consultation processes completely separate from any other tribe. That can be difficult if you are trying to deal with 27 tribes in the State.

Because each tribe is separate, having a local coordinated process or agency like the Nevada Indian Commission to compile all of our consultation processes and what we consider consultation would be helpful. The Nevada Indian Commission could help us develop those relationships and help a number of tribes that do not have that stronger voice.

SENATOR GOICOECHEA:

Would you explain the makeup of the Commission? We do not have 27 commissioners, but there are 27 tribes.

MS. RUPERT:

The Commission is made up of five members; three are American Indian and two are from the public. Richard Arnold, a Southern Paiute from the Pahrump area, is the Chair. John Hansen is from Reno. Marla McDade Williams is from Elko but lives in Douglas County. Then we have two new general public commissioners, Kelly Krolicki from Lake Tahoe who is a member of the Cherokee Nation of Oklahoma, and Richard Snider who is a resident of Carson City.

SENATOR GOICOECHEA:

It is beneficial to understand who they are and that not all 27 tribes are represented.

MARLA MCDADE WILLIAMS (Commissioner, Nevada Indian Commission):

I support Ms. Rupert and S.B. 83. The consultation process for Nevada tribes is important. The ability to ensure that people have the appropriate information is important to the Commission.

JAY CRADDOCK:

I was a member of the Nevada State Democratic platform committee. We put the platform together for the Democratic Party. Certain things came up during that platform committee process, and one of those was Native Americans. The Democratic Party needs to stand up for these people and help them to achieve. I am here to ask you to support S.B. 83 and its amendment.

Tourism is important for the Indians. If they want it, we need to support tourism. Giving the Nevada Indian Commission more authority and power is a great idea. Working for tourism with the Indians is also a good idea.

MAURICE WHITE:

I appreciate that we are moving forward in what was described as cooperation, closing gaps and the consultation process. Those are all good things. However, I have a concern with the language in this bill. At the beginning, it says that the Nevada Indian Commission would make recommendations regarding and act upon all matters affecting American Indians. I am concerned with how broad that language is. No Commission of any sort should be able to act on all matters affecting any situation it would be overseeing. I respectfully request that you have a discussion to address what acts might be taken by the Commission.

SENATOR HARDY:

Lines 11 to 14 of the bill says, "Recommendations may include, without limitation, recommendations regarding necessary or appropriate action, policy and legislation or revision of legislation and administrative agency regulations pertaining to American Indians or tribal governments". That first sentence is married to the second sentence where the second sentence defines those recommendations. Then that is married to subsection 2 which says, "to the Legislature, to the Governor and to the public at least biennially". There is a relationship between some regulations or recommendations. Does that help you? It seems to me that there is a relationship.

MR. WHITE:

Yes, and I would agree. It is my position that there should be a public discussion about what sort of restrictions might be imposed on lines 4 and 5, "and act upon all matters ... ." The goal of the Commission is to do X, Y and Z, but with this language, "act upon all matters ... ," you could, by definition, say that the Commission could go off and do anything it wanted to do. Any commission, board or governmental body should have finite restrictions. That is my only concern.

Senate Committee on Government Affairs  
February 15, 2017  
Page 23

CHAIR PARKS:

We will close the hearing on S.B. 83. Having no further business, the Senate Committee on Government Affairs is adjourned at 2:39 p.m.

RESPECTFULLY SUBMITTED:

---

Suzanne Efford,  
Committee Secretary

APPROVED BY:

---

Senator David R. Parks, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	4		Attendance Roster
S.B. 44	C	1	Chris Chimits/State Public Works Division	Written Testimony
S.B. 45	D	1	Chris Chimits/State Public Works Division	Written Testimony
S.B. 57	E	102	Kim Fegert/Gold Hill Historical Society	Local Public Project Mismanagement
S.B. 83	F	1	Sherry Rupert/Nevada Indian Commission	Proposed Amendment