

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

**Seventy-ninth Session  
March 24, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:10 p.m. on Friday, March 24, 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

**GUEST LEGISLATORS PRESENT:**

Senator James A. Settelmeyer, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Heidi Chlarson, Counsel  
Debi Szaro, Committee Secretary

**OTHERS PRESENT:**

Paul Anderson, Chair, State Board of Agriculture  
Philip DeLone, President, Reno-Sparks Convention and Visitor's Authority  
Lisa A. Gianoli, Washoe County  
Chase Whittemore, Grand Sierra Resort  
Doug Busselman, Nevada Farm Bureau  
Mike Torvinen, Reno Rodeo Association  
Noah L. Jennings, Nevada State Fair  
Bob Robinson, Director, Nevada State Fair

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Charlie Donohue, Administrator, Division of State Lands, State Department of  
Conservation and Natural Resources  
Jim Barbee, Director, State Department of Agriculture  
Marla McDade Williams, Strategies 360  
Arlan D. Melendez, Tribal Chairman, Reno-Sparks Indian Colony  
Len George, Chairman, Fallon Paiute-Shoshone Tribe  
Marissa Weaselboy, Reno-Sparks Indian Colony  
Michael Drews, Archaeologist, Great Basin Consulting Group  
Laurie A. Thom, Tribal Chairman, Yerington Paiute Tribe  
David Decker, Vice President, Inter-Tribal Council of Nevada  
Donna Cossette, Fallon Paiute Tribe  
Dylan Shaver, Nevada Mining Association

CHAIR PARKS:

We have a Committee introduction of Bill Draft Request (BDR) S-1046.

**BILL DRAFT REQUEST S-1046:** Requires certain city attorneys to be appointed rather than elected. (Later introduced as Senate Bill 434).

SENATOR MANENDO MOVED TO INTRODUCE BDR S-1046.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

I open the hearing on Senate Bill (S.B.) 340.

**SENATE BILL 340:** Revises provisions relating to certain State property.  
(BDR S-1112)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

This bill is an agreement between the State Department of Agriculture and the Reno-Sparks Convention and Visitors Authority (RSCVA). Reno-Sparks Convention and Visitors Authority has come forward with a \$1 million funding proposal and supports Senate Bill 340. There will be an official meeting to vote on the funding proposal. We need the slight amendments from the State Board

of Agriculture ([Exhibit C](#)) deleting the fiscal request from the bill and amending the last line of section 8, a request to delete the date that is in conflict with another portion of the bill. Washoe County supports the bill as well, but there are concerns with some language in the bill. There is an error in describing the land from the original lease. We need to create an error to fix an error. We need to reference the Nevada Revised Statutes (NRS) written incorrectly and amend with a correction to fix the statute that is written incorrectly.

The concept is to allow Washoe County to have land currently owned by the State of Nevada encumbered with a lease through properties built on by Washoe County and allow the Department of Agriculture to take over the management of the rest of said facility. It will create an environment to allow the RSCVA to thrive. Sadly, the properties have fallen into stagnation given delinquency to upkeep the facilities. This funding will solve some of those problems and move the properties forward.

CHAIR PARKS:

You have a deficient description of the property. By including the inaccurate description in this bill, does it correct the problem?

SENATOR SETTELMAYER:

Yes, because the original lease improperly described it. We are wishing to void the lease. We have to use the same terminology that created said lease.

PAUL ANDERSON (Chair, State Board of Agriculture):

The Board of Agriculture engaged with the trustees of the State Fair property along with the Washoe County Manager to look for ways to address the concerns of the trustees regarding the direction of the property known as the Reno-Sparks Livestock Event Center. My testimony touches on each section of S.B. 340 ([Exhibit D](#)).

PHILIP DELONE (President, Reno-Sparks Convention and Visitors Authority):

Since 1951, the RSCVA as the then-Washoe County Fair and Recreation Board, has managed and operated the Reno-Sparks Livestock Events Center. The Livestock Center, for its future long-term health and vitality must expand and modernize its facilities. To that end, RSCVA looks to contribute \$500,000 a year for two years to ensure success ([Exhibit E](#)). Our Board of Directors extend unanimous support of S.B. 340 ([Exhibit F](#)). I would like to read testimony from

Robert Blair, national president of the American Cowboy Team Roping Association ([Exhibit G](#)).

SENATOR RATTI:

The Reno-Sparks Livestock Event Center is in the heart of District No. 13 that I represent. I thank the RSCVA for the feedback that the fiscal note could be a challenge and figuring out how to put money on the table to ensure this project could be successful. The Reno-Sparks Livestock Event Center is a long-beloved and -used facility that held the State Fair and many community events, not tourism events, and is a community asset. Over time it could be an asset for tourism which is not the primary mission anymore, but we have a challenge in the community to figure out how to evolve the facility to its best use. It is important to me because it is adjacent to one of the lower socioeconomic neighborhoods in our community. As we have allowed the facility to degrade over time, it is bringing down the neighborhood. It is important to find a path forward, not just for tourism or agriculture but for the revitalization of that neighborhood as well. Our government facility is bringing down the neighborhood. I fully support this bill. This project is something we need to do.

SENATOR SETTELMAYER:

I agree. We need to create an environment where the Center can thrive and rebrand itself. The Center has been heavily used but not well-maintained. It will need to be renovated so people would attend a State Fair, if the State Fair returns. With this new entity, they can focus on that.

LISA A. GIANOLI (Washoe County):

We support Senate Bill 340. I did have concerns with the property description and spoke to the sponsor who assured me it was incorrect and will be corrected in the end. I feel comfortable we will have the proper description when this is completed.

SENATOR GOICOECHEA:

You will create that parcel to divide the existing Washoe County facility off and will then be able to adjust any inconsistencies with the survey with that parcel, correct?

Ms. GIANOLI:

Yes, that is my understanding from Jim Barbee.

CHASE WHITTEMORE (Grand Sierra Resort):

Grand Sierra Resort supports S.B. 340. We also thank the bill sponsors: the Board of Agriculture; Reno Rodeo Foundation; University of Nevada, Reno, and Washoe County.

DOUG BUSSELMAN (Nevada Farm Bureau):

Nevada Farm Bureau supports S.B. 340. We look forward to using the facilities to enhance the promotional opportunities for agriculture. This type of action will make that possible.

MIKE TORVINEN (Reno Rodeo Association):

We have been the largest user of the facility since the State Fair. We have a \$57 million annual impact to the City of Reno. We bring in tourists. This year we have over \$4 million of team roping money over a 4-day period. This event brings people from all over the West Coast and the Country. We support this bill. We have had discussions with Mr. Barbee and Washoe County for the last couple of years. We currently are conducting a survey of the property. One of our past presidents was very familiar with that description and the errors that were made. Legislative Counsel Bureau has issued some corrected memos on it in the past. We do want to be involved going forward. Our 100-year anniversary will be in 2019 and believe this process is the right way to go. We want to be involved in the future planning.

SENATOR RATTI:

The Reno Rodeo Foundation is an impressive nonprofit organization, and when in a partnership project, they bring full resources and enthusiasm. During the recession, we had a property that was important to the high school rodeo groups, but our Washoe County Regional Parks and Open Space was struggling to make it work. Local government partnering with the private nonprofit Rodeo Foundation set precedent to bring the property back to life and manage it so it would fulfill its mission. The Reno Rodeo Foundation has a track record of making similar public-private partnerships work, and I know they will be enthusiastically involved in the project.

NOAH L. JENNINGS (Nevada State Fair):

We are not in direct opposition because if RSCVA does not want to have the fairgrounds, it can turn it over to the Department of Agriculture. Our opposition to this bill arises from the Department of Agriculture wanting to host another state fair. To give some background, the Board of Directors for the Nevada

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State Fair met on March 8, 2011, and decided to close Nevada's longest-running event, ending the 136-year run from 1874. In August 2013, a new Nevada State nonprofit company formed to continue the legacy.

Bob Robinson purchased the trademark, and the fair began again in Carson City last year. On August 19, 2016, the Department of Agriculture sent a letter ([Exhibit H](#)) with the intent to intimidate Mr. Robinson into releasing the name Nevada State Fair so the Department could utilize the trademark.

How does this relate to S.B. 340? The Department of Agriculture is attempting to take back the Livestock Event Center as a venue for the Nevada State Fair as my written testimony ([Exhibit I](#)) explains.

SENATOR GOICOECHEA:

I do not see where the State Fair is addressed in the bill. This bill is regarding the property transfer rather than what they are going to do with it down the road.

BOB ROBINSON (Director, Nevada State Fair):

There is a document that states the Nevada State Fair is requesting the name back. The Department of Agriculture wants to take the name.

CHAIR PARKS:

The assumption is the State Fair issue is separate from the bill we are discussing, but I understand your concern.

MR. JENNINGS:

We are not in opposition to this bill as it pertains to the land transfer, but we would not like to see this name and entity ripped from the private sector and taken back by the government when we are operating the State Fair in a good fashion.

We would be open to working with the Department of Agriculture to bring the State Fair to the Livestock Event Center and expand it in the future. Our request is to grandfather the name to keep it in the private sector.

CHARLIE DONOHUE (Administrator, Division of State Lands, State Department of Conservation and Natural Resources):

If this legislation is successful, I am committed to working with Washoe County as well as the Department of Agriculture to move the element to this bill forward.

JIM BARBEE (Director, State Department of Agriculture):

As a cabinet member of the Department of Agriculture, I stand neutral on S.B. 340.

CHAIR PARKS:

I will now close the hearing on Senate Bill 340. I will now open the hearing for Senate Bill 244.

[SENATE BILL 244](#): Revises provisions relating to historic preservation. (BDR 33-515)

SENATOR JULIA RATTI (Senatorial District No. 13):

We are fully prepared to work with all the stakeholders interested in this bill to ensure the bill can work moving forward. Philosophically, I am absolutely certain that morally and ethically this bill is the right thing to do. We stand by the concept and philosophy and want to make sure we can make progress there. I am presenting S.B. 244 on behalf of the Reno-Sparks Indian Colony. 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. This bill involves tribal representation in these efforts ([Exhibit J](#)).

MARLA MCDADE WILLIAMS (Strategies 360):

There are three major concepts in the bill which my testimony ([Exhibit K](#)) details. First, tribal consultation that is a formal process and codifying the practice in State law; second, codifying provisions of the Native American Graves Protection and Repatriation Act into Nevada law; and third, ensuring native remains and spiritual items are protected during any formal archaeological excavation on private land.

SENATOR GOICOECHEA:

A person shall not knowingly excavate a historic site without a permit. If you are out on a construction project and come across artifacts or remains, at that point, you would have to go back and get a permit? Is that the intent of the bill?

MS. MCDADE WILLIAMS:

That is not the intent of the bill. The intent is to work with tribes to determine what needs to happen with those remains.

SENATOR GOICOECHEA:

Existing language referring to historical sites has become an issue. A lot of dumpsites on private property, technically under historic preservation or classified as historical sites, is what concerns me. We want to make sure we protect property rights. When we talk historical, we are not talking about true artifacts or cultural burial sites.

MS. MCDADE WILLIAMS:

We agree it is not our intent to go in and have a role at every site. We want to limit it to those sites where there are Native-American remains and cultural effects. We will continue to work that through.

SENATOR RATTI:

I wanted to emphasize that a lot of the language in the bill is something that is already being done in federal projects, so we know there are pieces already in practice. As mentioned previously, they may need to be refined to do a better match. I urge you to support S. B. 244.

ARLAN D. MELENDEZ (Tribal Chairman, Reno-Sparks Indian Colony):

The Reno-Sparks Indian Colony is in support of Senate Bill 244. Our intent of S.B. 244 ([Exhibit L](#)) reflects our requests and needs in balance with the responsibilities of the State.

LEN GEORGE (Chairman, Fallon Paiute-Shoshone Tribe):

We are in support of S.B. 244 along with all the tribes and the Reno-Sparks Indian Colony. I have my testimony ([Exhibit M](#)) for the Fallon Paiute-Shoshone Tribe. It is an important step for the State of Nevada and the tribes to move forward in a positive direction regarding discussions and decisions affecting the management, treatment and disposition of Native American ancestral human remains, funerary objects and cultural items.



MARISSA WEASELBOY (Reno-Sparks Indian Colony):

I am an enrolled member of the Yomba Shoshone Tribe from the Western Shoshone Nation. I will read this letter of support of S.B. 244, on behalf of Dr. Sarah Cowie, archaeologist; Dr. Marin Pilloud, biological anthropologist; and Dr. Carolyn White, archaeologist ([Exhibit N](#)).

MICHAEL DREWS (Archaeologist, Great Basin Consulting Group):

I am testifying in favor of the proposed revisions to NRS 381 and NRS 383 included under Senate Bill 244. Our relationship with Native Americans and respect for their concerns has increasingly become an important part of the cultural management business. I have prepared written testimony for the record ([Exhibit O](#)).

LAURIE A. THOM (Chairperson, Yerington Paiute Tribe):

We support Senate Bill 244. The Yerington Paiute Tribe is located in Mason Valley. I have prepared written testimony for the record ([Exhibit P](#)).

CHAIR PARKS:

People have signed the log but have not indicated that they are going to speak. I would like a show of hands or please stand to show if you are in support.

DAVID DECKER (Vice President, Inter-Tribal Council of Nevada):

I am the Elko Band Chairperson. The Elko Band Council and the Te-Moak Tribe are in support of Senate Bill 244. We have been going through section 106 issues of the National Historic Preservation Act with the Bureau of Land Management in the Battle Mountain area. This bill is a step in the right direction. The process in the Hollister Mine and the Tosawihi area in the Battle Mountain quadrant have been executed poorly. We hope this bill alleviates the vandalism and process issues.

DONNA COSSETTE (Fallon Paiute Tribe):

The Fallon Tribe has been working and successfully repatriated the Spirit Cave remains this past November 2016. During that time the Fallon Paiute Tribe faced many financial difficulties. The passing of Public Law 101-618, financially enabled our tribe financially to actively repatriate our Spirit Cave remains and the associated funerary objects. Our Tribe has expended over \$250,000 to date to repatriate one of our ancestors. The process was to be set up in order for all tribes to repatriate and mitigate issues through the Native American Graves Protection and Repatriation Review Committee. The Bureau of Land

Management did not participate in any of the reviews or committee meetings, making it hard for the tribes to gain repatriation to the human remains. The hardship was difficult because the resources were precious and could have gone in other social programs within our Tribe. The United States Government has expended the same if not more financial monies through this repatriation process. If the Fallon Tribe did not receive those monies from a lawsuit filed against the United States Government, we would have been financially unable to repatriate one of the oldest known remains in Nevada, the oldest mummified remains in North America. The history, the antiquities of the objects and patrimony items within the State of Nevada is significant, not only to Native Americans, Nevadans and individuals of the United States but to the world.

The items that have been located in the Great Basin are very old. Within 100 miles of each other, the oldest of the old on this continent have been located: the oldest petroglyphs in Pyramid Lake, the oldest mummified remains in Churchill County, the oldest duck decoys in Pershing County. Actually, the Lovelock Cave is in Churchill County.

When we talk about our cultural history, our dead, we take it very serious. When you go through the public school system, you learn about the history of Nevada Indians. It is not a requirement in this State. I hope the State some day realizes the history we have is so rich that we are able to participate in that too. Our families had to go against original teachings in speaking of our dead. In going to locations, the inadvertent finding of human remains happens all the time. We are asking to be part of the conversation. I think it is a fair gesture to give equal opportunity.

I support the bill, and I hope you support it as well. Our family had to go against original teachings and bury our dead at night because individuals in that area knew that when an individual passed on, his or her most precious items were buried with that person. Our people could not fathom the thought of witnessing their dead being dug up for those cultural items. They are not ours to hold or have, they belong to the individuals who have passed on. In the Great Basin, our history was not so long ago. Our Chair Len George and his uncle, Ashley George, are three generations away from the past traditional way of living of our people. We do have direct connections to our ancestral lands. We would like to be part of that conversation and have a voice in the handling and dealing of our cultural items with respect and dignity.

There is a location called Hidden Cave in Churchill County, which is amazing. The Cave shows the cooperation of the Bureau of Land Management and the Fallon Tribe and our local community, our local government, Churchill County. I have given tours to international tourists, and the interest in sharing our cultural history with everybody has been a success. There is a right way to do that working with the tribes, and having a good way and manner to proceed with those can be a success story. Some locations are very sensitive, and we would just like to be part of that conversation.

DYLAN SHAVER (Nevada Mining Association):

We stand neutral on S.B. 244. Historic preservation and cultural resource management are major priorities across our industry. We have a lot of expertise in this area and look forward to sharing that expertise as this process moves forward. We have challenges with the bill as written, but the sponsor has agreed to work them out with us. We look forward to being involved in this process.

SENATOR RATTI:

Senate District 13 includes the Reno-Sparks Indian Colony, and I am privileged to be representing all speakers who testified. I will note some of the high points of the testimony heard today. Mr. Drews commented on the evolving laws and evolving ethical standards and how it may be time for Nevada to evolve. Chairman George and others told their challenging story of efforts with the Bureau of Land Management to repatriate their ancestors and the time, stress, any money endured to get to the end game. Ms. Weaselboy spoke about the international change in thinking regarding the rights of Native Peoples and how as a world, we are evolving on this issue. Chairman Melendez is asking for the ability to participate in respectful forums and processes as we deal with these issues. Ms. Cossette informed us that there is a right way to do these things.

There is a right way to do these things. We understand the bill is not perfect, and we want to work with all stakeholders to get the bill to a place for folks to support. I urge you to support Senate Bill 244.

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CHAIR PARKS:

I have five documents in support of S.B. 244: from the Inter-Tribal Council of Nevada ([Exhibit Q](#)), Reno-Sparks Indian Colony ([Exhibit R](#)), Neil Mortimer for the Washoe Tribe of Nevada and California ([Exhibit S](#)), Jenanne Ferguson ([Exhibit T](#)) and Marla McDade Williams for Native American Consultation Database ([Exhibit U](#)). We look forward to seeing an amendment.

I will close the hearing for S.B. 244. I adjourn the meeting at 2:48 p.m.

RESPECTFULLY SUBMITTED:

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Debi Szaro,  
Committee Secretary

APPROVED BY:

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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. 340	C	15	Senator James A. Settlemeyer	Proposed Amendment from Jim Barbee / State Board of Agriculture
S.B. 340	D	1	Paul Anderson / State Board of Agriculture	Written Testimony
S.B. 340	E	1	Philip Delone / Reno-Sparks Convention and Visitors Authority	Written Testimony
S.B. 340	F	1	Philip Delone / Reno-Sparks Convention and Visitors Authority	Letter of Support
S.B. 340	G	1	Robert Blair / American Cowboy Team Roping Association	Written Testimony
S.B. 340	H	1	Noah L. Jennings / Nevada State Fair	Letter
S.B. 340	I	1	Noah L. Jennings / Nevada State Fair	Written Testimony
S.B. 244	J	1	Senator Julia Ratti	Written Remarks
S.B. 244	K	3	Marla McDade Williams / Strategies 360	Written Testimony
S.B. 244	L	5	Arlan D. Melendez / Reno-Sparks Indian Colony	Written Testimony
S.B. 244	M	1	Len George / Fallon Paiute-Shoshone Tribe	Written Testimony
S.B. 244	N	4	Marissa Weaselboy / Reno-Sparks Indian Colony	Written Testimony of Dr. Sarah Cowie, Dr. Marin Pilloud, Dr. Carolyn White

S.B. 244	O	4	Michael Drews / Great Basin Consulting Group	Written Testimony
S.B. 244	P	2	Laurie A. Thom / Yerington Paiute Tribe	Written Testimony
S.B. 244	Q	2	Senator David R. Parks	Resolution from Inter-Tribal Council of Nevada
S.B. 244	R	7	Senator David R. Parks	Multistate legislation from Reno-Sparks Indian Colony
S.B. 244	S	1	Senator David R. Parks	Letter from Neil Mortimer for the Washoe Tribe of Nevada and California
S.B. 244	T	3	Senator David R. Parks	Letter from Jenanne Ferguson
S.B. 244	U	1	Senator David R. Parks	Marla McDade Williams, information on Native American Consultation Database