



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** March 2, 2017

**Staff Contact:** Nick Marano, City Manager

**Agenda Title:** For Possible Action: Discussion and possible action regarding the Board's position and directive on SB57 (BDR S-414) of the 2017 Legislative Session, a bill that revises provisions relating to the Nevada Commission for the Reconstruction of the V&T Railway.

**Staff Summary:** This bill removes certain boards of county commissions from the governing bodies of the Commission; revises the membership of the Commission; eliminates authority for the Commission to enter into agreements with the district attorney or treasurer of certain counties.

**Agenda Action:** Formal Action/Motion

**Time Requested:** 10 mins

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## **Proposed Motion**

I move to convey to the 2017 Legislature that the Carson City Board of Supervisors (does) (does not) (would support with amendments as discussed) SB57 (BDR S-414), a bill that revises provisions relating to the Nevada Commission for the Reconstruction of the V&T Railway.

## **Board's Strategic Goal**

N/A

## **Previous Action**

N/A

## **Background/Issues & Analysis**

N/A

## **Applicable Statute, Code, Policy, Rule or Regulation**

## **Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

## **Alternatives**

**Board Action Taken:**

Motion: \_\_\_\_\_

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

Aye/Nay

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\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

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SENATE BILL NO. 57—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF STOREY COUNTY)

PREFILED NOVEMBER 17, 2016

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Nevada Commission for the Reconstruction of the V & T Railway. (BDR S-414)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to the Nevada Commission for the Reconstruction of the V & T Railway; removing certain boards of county commissions from the governing bodies of the Commission; revising the membership of the Commission; eliminating authority for the Commission to enter into agreements with the district attorney or treasurer of certain counties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes the Nevada Commission for the Reconstruction of the  
2 V & T Railway, provides that the governing bodies of the Commission are the  
3 Board of Supervisors of Carson City and the Boards of County Commissioners of  
4 Douglas, Lyon, Storey and Washoe counties and authorizes each of those counties  
5 to appoint a representative to the Commission. (Sections 1-3 of the Nevada  
6 Commission for the Reconstruction of the V & T Railway Act of 1993) **Section 1**  
7 of this bill removes the Board of County Commissioners of Douglas, Lyon and  
8 Washoe counties from the governing bodies of the Commission. **Section 2** of this  
9 bill makes conforming changes.  
10 **Section 3** of this bill revises the composition of the Commission to: (1) remove  
11 the commissioners appointed by Douglas, Lyon and Washoe counties, the Virginia  
12 and Truckee Historical Railroad Society, the Speaker of the Assembly and the  
13 Senate Majority Leader; and (2) authorize the Carson City Convention and Visitors  
14 Bureau and the Virginia City Tourism Commission to each appoint a member to the  
15 Commission. **Section 4** of this bill makes conforming changes.  
16 **Section 7** of this bill provides that the terms of the Commissioners who have  
17 been removed expire on October 1, 2017.



18 Under existing law, each governing body of the Commission is required to  
19 provide funding for the Commission's budget that is based on the benefit of the  
20 Commission or reconstruction of the V & T Railway to the jurisdiction of the  
21 governing body. Existing law also authorizes each governing body to issue bonds  
22 and impose certain taxes in order to fund its portion of the Commission's budget.  
23 (Section 9 of the Nevada Commission for the Reconstruction of the V & T Railway  
24 Act of 1993) Because **section 1** removes the Board of County Commissioners of  
25 Douglas, Lyon and Washoe Counties from the governing bodies of the  
26 Commission, those counties will no longer have to fund any portion of the  
27 Commission's budget. However, if any of those counties have issued bonds to fund  
28 its share of the Commission's budget before October 1, 2017, **section 8** of this bill  
29 provides that the provisions of this bill do not apply to impair any existing bond or  
30 bond obligations.

31 Existing law authorizes the Commission to enter into an agreement with the  
32 district attorney of Carson City, or Douglas, Lyon, Storey or Washoe County to  
33 provide legal services to the Commission. Existing law also authorizes the  
34 Commission to enter into an agreement with the treasurer of any of those counties  
35 to create a fund and pay all claims that are approved by the Commission. (Section 8  
36 of the V & T Railway Act of 1993) **Section 5** of this bill eliminates the authority to  
37 enter into an agreement with the district attorney or Treasurer of Douglas, Lyon and  
38 Washoe counties. **Section 6** makes a conforming change. **Section 9** of this bill  
39 terminates on October 1, 2017, any agreement entered into by the Commission with  
40 a district attorney or the Treasurer of Douglas, Lyon or Washoe County.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Section 1 of the Nevada Commission for the  
2 Reconstruction of the V & T Railway Act of 1993, being chapter  
3 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of  
4 Nevada 2001, at page 400, is hereby amended to read as follows:

5 Section 1. As used in this act, unless the context  
6 otherwise requires:

7 1. "Commission" means the Nevada Commission for the  
8 Reconstruction of the V & T Railway created pursuant to  
9 section 2 of this act.

10 2. "Commissioner" means a person ~~appointed to serve~~  
11 *who serves* on the Commission pursuant to section 3 of this  
12 act.

13 3. "County" includes Carson City.

14 4. "Governing bodies" means the Board of Supervisors  
15 of Carson City and the ~~Boards~~ *Board* of County  
16 Commissioners of ~~Douglas, Lyon,~~ Storey ~~and Washoe~~  
17 *counties* ~~County~~.



1       **Sec. 2.** Section 2 of the Nevada Commission for the  
2 Reconstruction of the V & T Railway Act of 1993, being chapter  
3 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of  
4 Nevada 2001, at page 400, is hereby amended to read as follows:

5           Sec. 2. 1. The Nevada Commission for the  
6 Reconstruction of the V & T Railway of Carson City and  
7 ~~{Douglas, Lyon,} Storey {and Washoe counties}~~ **County** is  
8 hereby created.

9           2. The property and revenues of the Commission, and  
10 any interest therein, are exempt from all state and local  
11 taxation.

12           3. The Commission is a body corporate and politic, the  
13 geographical jurisdiction of which is Carson City and  
14 ~~{Douglas, Lyon,} Storey {and Washoe counties}~~ **County**.

15           4. The provisions of this act must be broadly construed  
16 to accomplish its purposes.

17       **Sec. 3.** Section 3 of the Nevada Commission for the  
18 Reconstruction of the V & T Railway Act of 1993, being chapter  
19 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of  
20 Nevada 2001, at page 400, is hereby amended to read as follows:

21           Sec. 3. 1. The Commission must be composed of  
22 ~~{nine}~~ **five** Commissioners ~~{appointed}~~ as follows:

23           (a) One member ~~{who is a member of}~~ **appointed by** the  
24 Board of Supervisors of Carson City ~~{appointed by the Board~~  
25 ~~of Supervisors of Carson City;}~~ **from among its members or**  
26 **who is an employee of Carson City;**

27           (b) ~~{One member appointed by the Board of County~~  
28 ~~Commissioners of Douglas County from among its members;~~

29           ~~—(c) One member appointed by the Board of County~~  
30 ~~Commissioners of Lyon County from among its members;~~

31           ~~—(d) One member appointed by the Board of County~~  
32 ~~Commissioners of Storey County from among its members {;~~

33           ~~—(e) One member appointed by the Board of County~~  
34 ~~Commissioners of Washoe County from among its members;~~

35           ~~—(f) One member appointed by the Virginia and Truckee~~  
36 ~~Historical Railroad Society from among its members;~~

37           ~~—(g) One member appointed by the Speaker of the~~  
38 ~~Assembly;~~

39           ~~—(h) One member appointed by the Senate Majority~~  
40 ~~Leader; and~~

41           ~~—(i) } or who is an employee of Storey County;~~

42           **(c) One member who is the Executive Director, or the**  
43 **person holding an equivalent position, of the Carson City**  
44 **Convention and Visitors Bureau who serves as an ex officio**  
45 **member of the Commission;**



1 (d) *One member who is the Executive Director, or the*  
2 *person holding an equivalent position, of the Virginia City*  
3 *Tourism Commission who serves as an ex officio member of*  
4 *the Commission; and*

5 (e) One member appointed by the Governor.

6 2. ~~If the Virginia and Truckee Historical Railroad~~  
7 ~~Society ceases to exist but is replaced by an entity which is~~  
8 ~~organized for the same purposes, that entity is entitled to~~  
9 ~~appoint the member pursuant to paragraph (f) of subsection 1.~~  
10 ~~If the society ceases to exist and is not replaced, the number~~  
11 ~~of commissioners is reduced to eight and no member may be~~  
12 ~~appointed pursuant to paragraph (f) of subsection 1.~~

13 ~~3. The terms of the two members serving on the~~  
14 ~~Commission pursuant to paragraph (a) of subsection 1 on~~  
15 ~~July 1, 2001, expire on that date.]~~ As soon as practicable after  
16 ~~July 1, 2001,]~~ **October 1, 2017**, the appointing authorities  
17 shall make any appointments required by subsection 1. All of  
18 the appointments must be for initial terms of 1, 2 or 3 years to  
19 ensure staggered terms. After the initial terms, the term of  
20 office of each *appointed* commissioner is 4 years. A member  
21 is eligible for reappointment.

22 ~~4.]~~ 3. The office of a member who is required as a  
23 qualification for appointment to be a member of the body  
24 appointing the member *or an employee of a county* becomes  
25 vacant on the date he or she ceases to be a member of that  
26 appointing body ~~]~~

27 ~~5.]~~ *or an employee of that county.*

28 4. Each *appointed* commissioner serves at the pleasure  
29 of his or her appointing authority, and all vacancies must be  
30 filled for the unexpired term in the same manner as the  
31 original appointment.

32 **Sec. 4.** Section 4 of the Nevada Commission for the  
33 Reconstruction of the V & T Railway Act of 1993, being chapter  
34 566, Statutes of Nevada 1993, as last amended by chapter 98,  
35 Statutes of Nevada 2013, at page 339, is hereby amended to read as  
36 follows:

37 Sec. 4. 1. ~~Each]~~ *The* commissioner appointed  
38 pursuant to paragraph (b) ~~], (c), (d) or (e)]~~ *or (d)* of subsection  
39 1 of section 3 of this act shall file his or her oath of office  
40 with the *county* clerk of ~~the county from which the~~  
41 ~~commissioner was appointed,]~~ *Storey County*, and all other  
42 commissioners shall file their oaths of office with the Clerk of  
43 Carson City.



1           2. The commissioners must serve without compensation,  
2 but a commissioner may be reimbursed for expenses actually  
3 incurred for travel authorized by the Commission.

4           3. The Commission shall elect a Chair, Vice Chair,  
5 Secretary and Treasurer from among its members. The  
6 Secretary and the Treasurer may be one person. The terms of  
7 the officers expire on July 1 of each odd-numbered year.

8           4. The Secretary shall maintain audio recordings or  
9 transcripts of all meetings of the Commission and a record of  
10 all of the proceedings of the Commission, minutes of all  
11 meetings, certificates, contracts and other acts of the  
12 Commission. Except as otherwise provided in NRS 241.035,  
13 the records must be open to the inspection of all interested  
14 persons at a reasonable time and place. A copy of the minutes  
15 or audio recordings must be made available to a member of  
16 the public upon request at no charge pursuant to  
17 NRS 241.035.

18           5. The Treasurer shall keep an accurate account of all  
19 money received by and disbursed on behalf of the  
20 Commission. The Treasurer shall file with the Clerk of  
21 Carson City, at the expense of the Commission, a fidelity  
22 bond in an amount not less than \$10,000, conditioned for the  
23 faithful performance of his or her duties.

24       **Sec. 5.** Section 8 of the Nevada Commission for the  
25 Reconstruction of the V & T Railway Act of 1993, being chapter  
26 566, Statutes of Nevada 1993, as last amended by chapter 99,  
27 Statutes of Nevada 2001, at page 586, is hereby amended to read as  
28 follows:

29           Sec. 8. 1. The Commission may enter into an  
30 agreement with the district attorney of Carson City or  
31 ~~{Douglas, Lyon,}~~ Storey ~~{or Washoe}~~ County, or ~~{any~~  
32 ~~combination thereof,}~~ *both*, to provide legal services to the  
33 Commission. The Commission may authorize payment to the  
34 district attorney for the costs to the district attorney for  
35 providing those services.

36           2. The Commission shall enter into an agreement with  
37 the Treasurer of Carson City or ~~{Douglas, Lyon,}~~ Storey ~~{or~~  
38 ~~Washoe}~~ County to create a fund for the Commission and pay  
39 all claims against the fund that are properly approved by the  
40 Commission. The Commission may authorize payment to the  
41 Treasurer for the costs to the Treasurer for providing those  
42 services.

43           3. All money received by the Commission must be  
44 deposited in the fund created pursuant to subsection 2. Except  
45 as otherwise provided in NRS 482.37945, the money in the



1 fund must be used only for the necessary expenses of the  
2 Commission and the costs of the projects authorized by this  
3 act.

4 **Sec. 6.** NRS 482.37945 is hereby amended to read as follows:

5 482.37945 1. Except as otherwise provided in this  
6 subsection, the Department, in cooperation with the Northern  
7 Nevada Railway Foundation or its successor, shall design, prepare  
8 and issue license plates for the support of the reconstruction,  
9 maintenance, improvement and promotion of the Virginia &  
10 Truckee Railroad using any colors that the Department deems  
11 appropriate. The design of the license plates must include a  
12 depiction of a locomotive of the Virginia & Truckee Railroad and  
13 the phrase "The Virginia & Truckee Lives." The Department shall  
14 not design, prepare or issue the license plates unless it receives at  
15 least 250 applications for the issuance of those plates.

16 2. If the Department receives at least 250 applications for the  
17 issuance of license plates for the support of the reconstruction,  
18 maintenance, improvement and promotion of the Virginia &  
19 Truckee Railroad, the Department shall issue those plates for a  
20 passenger car or light commercial vehicle upon application by a  
21 person who is entitled to license plates pursuant to NRS 482.265  
22 and who otherwise complies with the requirements for registration  
23 and licensing pursuant to this chapter. A person may request that  
24 personalized prestige license plates issued pursuant to NRS  
25 482.3667 be combined with license plates for the support of the  
26 reconstruction, maintenance, improvement and promotion of the  
27 Virginia & Truckee Railroad if that person pays the fees for  
28 the personalized prestige license plates in addition to the fees for the  
29 license plates for the support of the reconstruction, maintenance,  
30 improvement and promotion of the Virginia & Truckee Railroad  
31 pursuant to subsections 3 and 4.

32 3. The fee for license plates for the support of the  
33 reconstruction, maintenance, improvement and promotion of the  
34 Virginia & Truckee Railroad is \$35, in addition to all other  
35 applicable registration and license fees and governmental services  
36 taxes. The license plates are renewable upon the payment of \$10.

37 4. In addition to all other applicable registration and license  
38 fees and governmental services taxes and the fee prescribed in  
39 subsection 3, a person who requests a set of license plates for the  
40 support of the reconstruction, maintenance, improvement and  
41 promotion of the Virginia & Truckee Railroad must pay for the  
42 initial issuance of the plates an additional fee of \$25 and for each  
43 renewal of the plates an additional fee of \$20, to be distributed  
44 pursuant to subsection 5.





1 5. The Department shall transmit the fees collected pursuant to  
2 subsection 4 to the treasurer with whom the Nevada Commission for  
3 the Reconstruction of the V & T Railway of Carson City and  
4 ~~†Douglas, Lyon,†~~ Storey ~~†and Washoe Counties†~~ County has entered  
5 into an agreement as required by subsection 2 of section 8 of chapter  
6 566, Statutes of Nevada 1993, for deposit in the fund created  
7 pursuant to that section. The fees transmitted pursuant to this  
8 subsection must be used only for the reconstruction, maintenance,  
9 improvement and promotion of the Virginia & Truckee Railroad.

10 6. If, during a registration period, the holder of license plates  
11 issued pursuant to the provisions of this section disposes of the  
12 vehicle to which the plates are affixed, the holder shall:

13 (a) Retain the plates and affix them to another vehicle that meets  
14 the requirements of this section if the holder pays the fee for the  
15 transfer of the registration and any registration fee or governmental  
16 services tax due pursuant to NRS 482.399; or

17 (b) Within 30 days after removing the plates from the vehicle,  
18 return them to the Department.

19 **Sec. 7.** Notwithstanding any provision of law to the contrary,  
20 the terms of the members appointed to the Commission pursuant to  
21 section 3 of the Nevada Commission for the Reconstruction of the V  
22 & T Railway Act of 1993, as that section existed on September 30,  
23 2017, expire on October 1, 2017.

24 **Sec. 8.** The provisions of this act do not apply to the extent  
25 that the provisions would constitute an impairment of the rights of  
26 holders of the bonds or similar obligations issued by the State of  
27 Nevada or a political subdivision thereof. If there are any such  
28 outstanding bonds or obligations, the State of Nevada and its  
29 officers and agencies shall take whatever actions that are deemed  
30 necessary to protect the interests of the State and the rights of the  
31 holders of the bonds and similar obligations.

32 **Sec. 9.** 1. Any agreement entered into by the Commission  
33 pursuant to subsection 1 of section 8 of chapter 566, Statutes of  
34 Nevada 1993, with the district attorney of Douglas, Lyon or Washoe  
35 county to provide legal services to the Commission that is effective  
36 on September 30, 2017, is terminated on October 1, 2017.

37 2. Any agreement entered into by the Commission pursuant to  
38 subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993,  
39 with the Treasurer of Douglas, Lyon or Washoe county to create a  
40 fund for the Commission and pay claims against the fund that is  
41 effective on September 30, 2017, is terminated on October 1, 2017.



