

# NEVADA COMMISSION FOR THE RECONSTRUCTION OF THE V & T RAILWAY

## Chapter 566, Statutes of Nevada 1993

AN ACT creating the Tricounty Railway Commission of Carson City and Lyon and Storey counties; providing for the appointment, number, terms, reimbursement, powers and duties of the commissioners; specifying the powers of the commission; and providing other matters properly relating thereto. [Approved July 12, 1993]

(Leadlines for sections have been supplied by the Legislative Counsel of the State of Nevada)

Whereas, On February 19, 1869, ground was broken for the Virginia and Truckee Railroad and 8 months later it was doing business between Virginia City and Carson City, a distance of 21 miles; and

Whereas, The 13-mile portion of the track between Virginia City and the Carson River is a continuous incline that has caused the Virginia and Truckee Railroad to be called the "crookedest" railway in the United States because the total of the curves in the track are equal to going 17 times around a circle; and

Whereas, Running from 30 to 45 trains per day, the Virginia and Truckee Railroad carried supplies of all kinds, including heavy machinery for the mines and goods and merchandise for the towns of Virginia City and Gold Hill and returned with ore from the mines for the mills on the Carson River, carrying from 500 to 800 tons of ore daily out of the Comstock Lode; and

Whereas, The Virginia and Truckee Railroad has been recognized nationally as one of the greatest engineering feats of the 1800s; and

Whereas, The Nevada Legislature hereby finds and declares that a general law cannot be made applicable because of the unique nature of the opportunity to restore this "iron horse" of the past and the variety of local governments that must be involved in the restoration; now, therefore, The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

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

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

2. "Commissioner" means a person appointed to serve on the Commission pursuant to section 3 of this act.

3. "County" includes Carson City.

4. "Governing bodies" means the Board of Supervisors of Carson City and the Boards of County Commissioners of Douglas, Lyon, Storey and Washoe counties.

(Ch. 566, Stats. 1993 p. 2326; A—Ch. 42, Stats. 2001 p. 400)

Sec. 2. Creation; exemption from taxation; geographical jurisdiction; construction of act.

1. The Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe counties is hereby created.

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

3. The Commission is a body corporate and politic, the geographical jurisdiction of which is Carson City and Douglas, Lyon, Storey and Washoe counties.

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

(Ch. 566, Stats. 1993 p. 2326; A—Ch. 42, Stats. 2001 p. 400)

Sec. 3. Composition; appointment and terms of members; vacancies.

1. The Commission must be composed of nine Commissioners appointed as follows:

(a) One member who is a member of the Board of Supervisors of Carson City appointed by the Board of Supervisors of Carson City;

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

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

(d) One member appointed by the Board of County Commissioners of Storey County from among its members;

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

(f) One member appointed by the Virginia and Truckee Historical Railroad Society from among its members.

(g) One member appointed by the Speaker of the Assembly;

(h) One member appointed by the Senate Majority Leader; and

(i) One member appointed by the Governor.

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

3. The terms of the two members serving on the Commission pursuant to paragraph (a) of subsection 1 on July 1, 2001, expire on that date. As soon as practicable after July 1, 2001, the appointing authorities shall make any appointments required by subsection 1. All of the appointments must be for initial terms of 1, 2 or 3 years to ensure staggered terms. After the initial terms, the term of office of each commissioner is 4 years. A member is eligible for reappointment.

4. The office of a member who is required as a qualification for appointment to be a member of the body appointing him becomes vacant on the date he ceases to be a member of that appointing body.

5. Each commissioner serves at the pleasure of his appointing authority, and all vacancies must be filled for the unexpired term in the same manner as the original appointment.

(Ch. 566, Stats. 1993 p. 2326; A—Ch. 42, Stats. 2001 p. 400)

Sec. 4. Oath of office; compensation; officers; records; treasurer's bond.

1. Each commissioner appointed pursuant to paragraph (b), (c), (d) or (e) of subsection 1 of section 3 of this act shall file his oath of office with the clerk of the county from which he was appointed, and all other commissioners shall file their oaths of office with the Clerk of Carson City.

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

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

4. The Secretary shall maintain a record of all of the proceedings of the Commission, minutes of all meetings, certificates, contracts and other acts of the Commission. The records must be open to the inspection of all interested persons at a reasonable time and place.

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

(Ch. 566, Stats. 1993 p. 2327; A—Ch. 42, Stats. 2001 p. 401)

Sec. 5. Meetings; limitation of liability of Commissioners.

1. The Commission shall meet upon the call of the Chairman or a majority of the commissioners.

2. A majority of the commissioners constitutes a quorum at any meeting.

3. The governing bodies shall each make available an appropriate meeting room and provide adequate clerical staff and equipment to provide adequate notice of the meeting and to produce minutes of the meeting and any other assistance necessary to allow the Commission to comply with the provisions of chapter 241 of NRS.

4. The Commission shall alternate the location of its meetings among the facilities provided pursuant to subsection 3.

5. A commissioner is not personally liable for any actions taken or omitted in good faith in the performance of his duties pursuant to the provisions of this act.

(Ch. 566, Stats. 1993 p. 2327)

Sec. 6. General powers. The Commission may:

1. Acquire by gift, devise, purchase, lease or trade any real and personal property it deems necessary for any project authorized by this act.
2. Lease, sell or otherwise dispose of any property.
3. Enter into any contracts necessary for any project authorized by this act. The duration of any such contracts may exceed the terms of office of the commissioners.
4. Construct and provide for the maintenance of walkways, parks and pathways for bicycles.
5. Solicit, accept and use gifts, grants and other donations from public and private sources.
6. Exercise the power of eminent domain as provided in chapter 37 of NRS to acquire the property rights necessary for any project authorized by this act, which is hereby declared to be a public purpose.
7. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of any railway, park, walkways, pathway for bicycles or other facilities leased, constructed, created or acquired by the Commission.
8. Employ or contract with any persons or governmental entities necessary for the operation or maintenance of any project authorized pursuant to this act.
9. Establish fees and other charges for the use of any railway, park, walkways, pathway for bicycles or other facilities leased, constructed, created or acquired by the Commission.
10. Regulate vehicular traffic on the right of ways and property leased or owned by the Commission.
11. Grant any exclusive franchises and concessions it deems appropriate to carry out the provisions of this act.
12. Take such other actions necessary to accomplish the purposes of this act and to comply with any statute or regulation of this state or of the Federal Government.

(Ch. 566, Stats. 1993 p. 2328)

Sec. 7. Establishing and maintaining railway; regulation of franchisees and concessionaires; exemption from regulation by Public Utilities Commission of Nevada.

1. The Commission may do all things necessary to establish and maintain a railway, including, without limitation:
  - (a) Purchasing, leasing or otherwise acquiring right of ways and constructing railways and any facilities or other appurtenances it deems appropriate in connection therewith; and
  - (b) Operating or granting franchises for the operation of a railroad that carries passengers to locations within the jurisdiction of the Commission.
2. In addition to regulation by another agency related to public health and safety that is required by local ordinance or state or federal law, the Commission shall regulate all franchisees and concessionaires who operate on the right-of-way or property owned or leased by the Commission.
3. A railway acquired, constructed or leased by the Commission pursuant to this act is not a street railway for the purposes of chapter 709 of NRS.
4. Notwithstanding any provision of title 58 of NRS to the contrary, the rates charged by a railroad operated by the Commission or pursuant to a franchise or other agreement with the Commission, are not subject to regulation by the Public Utilities Commission of Nevada.

(Ch. 566, Stats. 1993 p. 2328; A—Ch. 42, Stats. 2001 p. 402; Ch. 2, Stats. 2003 p. 2)

Sec. 8. Legal services; fund for the Commission; use of money in fund.

1. The Commission may enter into an agreement with the district attorney of Carson City or Douglas, Lyon, Storey or Washoe County, or any combination thereof, to provide legal services to the Commission. The Commission may authorize payment to the district attorney for the costs to the district attorney for providing those services.
2. The Commission shall enter into an agreement with the Treasurer of Carson City or Douglas, Lyon, Storey or Washoe County to create a fund for the Commission and pay all claims against the fund that are properly approved by the Commission. The Commission may authorize payment to the Treasurer for the costs to the Treasurer for providing those services.

3. All money received by the Commission must be deposited in the fund created pursuant to subsection 2. Except as otherwise provided in NRS 482.37945, the money in the fund must be used only for the necessary expenses of the Commission and the costs of the projects authorized by this act.

(Ch. 566, Stats. 1993 p. 2329; A—Ch. 42, Stats. 2001 p. 402; Ch. 99, Stats. 2001 p. 586)

Sec. 9. Budget; funding of costs; Commission not entitled to distribution of revenue from supplemental city-county relief tax. [Effective through December 31, 2005.]

1. The Commission shall adopt a budget for its operation and for each project it proposes for presentation to the governing bodies. Each budget must be accompanied by a proposed allocation of the net cost of the budget among the governing bodies which must be based upon the benefit of the Commission or project to the jurisdiction of the governing body or another equally appropriate indicator.

2. Upon final determination and allocation of the costs by agreement of the governing bodies, each governing body shall include its portion of the costs in its budget for the purposes of chapter 354 of NRS and shall fund its share of the cost by:

(a) Issuing bonds pursuant to chapter 350 of NRS;

(b) Imposing an additional tax on the rental of transient lodging;

(c) Upon approval by the voters, imposing an additional tax upon retailers at a rate not exceeding one-half of 1 percent of the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed in the county;

(d) Upon approval of the voters, levying a property tax not exceeding 2 cents per \$100 of assessed valuation on all taxable property in the county; or

(e) Any combination of the options provided in paragraphs (a) to (d), inclusive, including the issuance of bonds which will be repaid from the revenue of one or more of the taxes authorized in this section which may be treated as pledged revenues for the purposes of NRS 350.020.

3. If the county imposes a tax pursuant to paragraph (c) of subsection 2 it shall include in the ordinance imposing the tax:

(a) Provisions substantially identical to those contained in chapter 374 of NRS;

(b) A provision stating that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with the provisions of the ordinance, automatically become a part of the ordinance;

(c) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county; and

(d) The date on which the tax must first be imposed, which must not be earlier than the first day of the second calendar month following the adoption of the ordinance by the governing body.

4. The Commission is not entitled to a distribution of revenue from the supplemental city-county relief tax.

(Ch. 566, Stats. 1993 p. 2329)

Sec. 9. Budget; funding of costs; Commission not entitled to distribution of revenue from supplemental city-county relief tax. [Effective January 1, 2006.]

1. The Commission shall adopt a budget for its operation and for each project it proposes for presentation to the governing bodies. Each budget must be accompanied by a proposed allocation of the net cost of the budget among the governing bodies which must be based upon the benefit of the Commission or project to the jurisdiction of the governing body or another equally appropriate indicator.

2. Upon final determination and allocation of the costs by agreement of the governing bodies, each governing body shall include its portion of the costs in its budget for the purposes of chapter 354 of NRS and shall fund its share of the cost by:

(a) Issuing bonds pursuant to chapter 350 of NRS;

(b) Imposing an additional tax on the rental of transient lodging;

(c) Upon approval by the voters, imposing an additional tax upon retailers at a rate not exceeding one-half of 1 percent of the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed in the county;

(d) Upon approval of the voters, levying a property tax not exceeding 2 cents per \$100 of assessed valuation on all taxable property in the county; or

(e) Any combination of the options provided in paragraphs (a) to (d), inclusive, including the issuance of bonds which will be repaid from the revenue of one or more of the taxes authorized in this section which may be treated as pledged revenues for the purposes of NRS 350.020.

3. If the county imposes a tax pursuant to paragraph (c) of subsection 2 it shall include in the ordinance imposing the tax:

(a) Provisions substantially identical to those contained in chapter 374 of NRS;

(b) A provision stating that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with the provisions of the ordinance, automatically become a part of the ordinance;

(c) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county; and

(d) The date on which the tax must first be imposed, which must be the first day of the first calendar quarter that begins at least 120 days after the adoption of the ordinance by the governing body.

4. The Commission is not entitled to a distribution of revenue from the supplemental city-county relief tax.

(Ch. 566, Stats. 1993 p. 2329; A—Ch. 400, Stats. 2003 p. 2389, effective January 1, 2006)

Sec. 10. Severability. If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

(Ch. 566, Stats. 1993 p. 2330)

Chapter 676, Statutes of Nevada 1995

AN ACT making a contingent appropriation to the Tricounty Railway Commission of Carson City and Lyon and Storey counties for restoration of the railroad line from Virginia City to Carson City; and providing other matters properly relating thereto.

[Approved July 6, 1995]

(Leadlines for sections have been supplied by the Legislative Counsel of the State of Nevada)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Contingent appropriation for establishment of railroad line.

1. There is hereby appropriated from the State General Fund to the Tricounty Railway Commission of Carson City and Lyon and Storey counties the sum of \$5,000,000 for the establishment of a railroad line similar to the former Virginia & Truckee Railroad from Virginia City through the Gold Hill area to Carson City, including, without limitation:

(a) Acquisition of the right-of-way necessary for the railway and any appurtenances thereto;

(b) Construction of the track, including any necessary preparation of the underlying surface; and

(c) Purchase or other acquisition of any associated equipment.

2. The appropriation made by subsection 1 is contingent upon:

(a) The Tricounty Railway Commission obtaining money from any public or private source in an amount of \$15,000,000 for support of the establishment of the railroad line.

(b) The Tricounty Railway Commission entering into a written agreement with the State Board of Examiners to repay the amount of this appropriation by transferring to the State Treasurer at least 6 percent of the price charged or \$1 per ticket sold, whichever is greater, per person to ride upon the railroad line once it is completed until the amount of the appropriation has been repaid. The agreement must set forth the terms of repayment.

(c) The receipt by the State Board of Examiners of a first security interest in favor of the State of Nevada upon the railroad track, the right-of-way acquired and all equipment and other assets of the

Tricounty Railway Commission to the extent necessary, as determined by the State Board of Examiners, to secure the repayment of the appropriation made by subsection 1.

(Ch. 676, Stats. 1995 p. 2589)

Sec. 2. Reversion of appropriation. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after April 1, 1999, and reverts to the State General Fund as soon as all payments of money have been made.

(Ch. 676, Stats. 1995 p. 2589; A—Ch. 566, Stats. 1999 p.2971)

Chapter 566, Statutes of Nevada 1999

AN ACT relating to State Financial Administration; authorizing the issuance of general obligation bonds to pay a portion of the costs of establishing a certain tricounty railway; revising the provision governing the reversion of the appropriation made during the 68th Session of the Nevada Legislature to the Tricounty Railway Commission of Carson City, Lyon and Storey counties; and providing other matters properly relating thereto.

[Approved June 9, 1999]

(Leadlines for sections have been supplied by the Legislative Counsel of the State of Nevada)

Whereas, In reliance on Assembly Bill No. 113 of the 1995 Legislative Session, the Tricounty Railway Commission of Carson City and Lyon and Storey counties has been working diligently to obtain the required \$15 million from public and private sources to support the establishment of a railroad line similar to the former Virginia & Truckee Railroad from Virginia City through the Gold Hill area to Carson City; and

Whereas, This historic reconstruction has wide public support and will benefit the entire Western Nevada region; and

Whereas, It is important that the State of Nevada honor its 1995 commitment to contribute one-fourth of the costs of this project contingent upon the success of the local effort to raise the remainder; and

Whereas, If current financial conditions require the withdrawal of the 1995 appropriation, then the State of Nevada must find an alternative method to keep its commitment to this economic development project; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Contingent issuance of general obligation bonds for establishment of railroad line.

1. Except as otherwise provided in subsection 3, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than \$5,000,000. The proceeds of the bonds must be allocated for the establishment of a railroad line similar to the former Virginia & Truckee Railroad from Virginia City through the Gold Hill area to Carson City, including, without limitation:

- (a) Acquisition of the right-of-way necessary for the railway and any appurtenances thereto;
- (b) Construction of the track, including any necessary preparation of the underlying surface; and
- (c) Purchase or other acquisition of any associated equipment.

2. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold.

3. The State Board of Finance shall not issue the general obligation bonds pursuant to subsection 1 unless on or before July 1, 2003:

(a) The Tricounty Railway Commission has received commitments for at least \$15,000,000 from other public or private sources, or both, for the establishment of the railroad line.

(b) The Tricounty Railway Commission has entered into a written agreement with the State Board of Examiners to repay the amount of these bonds by transferring to the State Treasurer at least 6 percent of the price charged or \$1 per ticket sold, whichever is greater, per person to ride upon the railroad line once it is completed until \$5,000,000 has been repaid to the State Treasurer. The agreement must set forth the terms of repayment.

(c) The State Board of Examiners has received a first security interest in favor of the State of Nevada upon the railroad track, the right-of-way acquired and all equipment and other assets of the Tricounty Railway Commission to the extent necessary, as determined by the State Board of Examiners, to secure the repayment of the \$5,000,000.

4. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.  
(Ch. 566, Stats. 1999 p. 2970)