



Dig in

Dear 2021 Legislators,

The price of gold is once again booming, with some experts predicting it could reach \$1,600 an ounce soon thanks to the instability of the Trump administration. That's up from \$287 an ounce 20 years ago, a windfall for stockholders of the multi-national corporations that dominate in Nevada. It won't make much difference to state tax coffers, though, thanks to mining's incredibly generous tax protections enshrined in our state constitution since 1864.

Gold prices were also booming in 2011 when I tried to address mining's sweetheart tax deal as the Chair of the Senate Revenue Committee through a series of hearings on mining taxation. I introduced Senate Joint Resolution 15, a constitutional amendment, so Nevada could reap the benefits of a boom cycle. I also offered a bill to create a mining oversight commission to more closely review environmental regulations and the tax deductions these highly profitable

corporations use to get their tax bill down to literally nothing in many cases.

The hearings produced surprises and headlines. The director of the Department of Taxation disclosed that no audits had been conducted during the previous two years to determine if mines had been truthful about the taxes they owed. He resigned the next day. We also discovered that deductions had been greatly expanded by the Tax Commission over the objection of Tax Department staff and against the advice of the attorney general. Legislators, reporters and constituents started to realize how little mining actually contributed to the state's general fund.

That same session, I sponsored a bill to remove the statute that allowed mining corporations to take land from private property owners through eminent domain. One leading lobbyist told a reporter I was an "eco terrorist" in an effort to discredit me, but it backfired on him when she printed his comments. To mining's surprise, the bill was an easy sell to my

colleagues and ultimately there were only two votes to continue mining's power of eminent domain, both from Elko County's representatives.

Predictably, in the 2012 campaign, mining did everything they could to defeat me. They and the Koch brothers financed an unprecedented negative mail campaign, including one mailer that superimposed my face on a fire dancer (don't ask). I lost that race by 266 votes.

But SJR 15 lived on—Governor Gibbons could not veto it—and it was approved by the Legislature again in 2013. It then became Question 2 on the 2014 ballot, a stunningly bad turnout year for Democrats who watched in anguish as Republicans swept the constitutional offices and both houses of the Legislature. Even with the unprecedented dismal turnout, Question 2 only lost by six-tenths of one percent.

And now we're back in a boom gold cycle. According to the Environmental Protection Agency, mining continues to be

the number-one toxic polluter of our land, air and water. And the industry is even more stingy about contributing its fair share of taxes, with companies preferring to tout all their charitable donations as if that were a suitable substitute. The Nevada Current's Hugh Jackson notes, "of the \$7.8 billion worth of minerals produced in 2018, a paltry six-tenths of 1 percent ended up in the state's general fund ..." Jackson points out that seven of the 28 producing mines in Nevada paid nothing at all in 2018, as in zero.

Legislators, the ball is back in your court. You can lead, or you can turn your back on a substantial source of revenue to fund education, mental health and public transportation. Yes, mining will retaliate by cutting off your large campaign checks—and they'll threaten your caucus colleagues, too. Their lobbyists will trash your reputation and question your intelligence. You might lose your next election.

Or you could change the trajectory of Nevada's history forever. □

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