

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

**Seventy-sixth Session
June 6, 2011**

The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 9:16 a.m. on Monday, June 6, 2011, in Room 2135 of the Legislative Building, Carson City, 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 John J. Lee, Chair
Senator Mark A. Manendo, Vice Chair
Senator Michael A. Schneider
Senator Joseph (Joe) P. Hardy
Senator James A. Settelmeyer

GUEST LEGISLATORS PRESENT:

Senator Dean A. Rhoads, Rural Nevada Senatorial District

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Heidi Chlarson, Counsel
Cynthia Ross, Committee Secretary

OTHERS PRESENT:

Debra M. Amens
John R. McCormick, Rural Courts Coordinator, Administrative Office of the Courts, Nevada Supreme Court
Ben Graham, Administrative Office of the Courts
Elana Graham, Director, Intergovernmental Relations, Eighth Judicial District Court
Mike "Zak" Dzyak, Lieutenant, State Fire Marshal Division, Department of Public Safety
Rusty McAllister, Professional Firefighters of Nevada

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CHAIR LEE:

We will open this meeting of the Senate Committee on Government Affairs with Assembly Bill (A.B.) 114.

ASSEMBLY BILL 114 (2nd Reprint): Revises the amount of the fee for issuing and recording a certain permit for an existing water right for irrigational purposes. (BDR 48-209)

SENATOR DEAN A. RHOADS (Rural Nevada Senatorial District):

Assembly Bill 114 is on behalf of the Legislative Committee on Public Lands, and I am the chair of that Committee. One of the duties of the Public Lands Committee is to monitor water issues in the State and make legislative recommendations.

Assembly Bill 114 is a recommendation by the Legislative Committee on Public Lands to correct a permit fee increase by the State Engineer resulting from the passage of A.B. No. 480 of the 75th Session. The permit fee increase affects farmers and ranchers who change points of diversion when they move pivots or drill backup wells. The flat fee was \$200, and with A.B. No. 480 of the 75th Session, the fee is \$250 with an additional \$3 per acre-foot charge.

The additional \$3 per acre-foot is a large permit fee increase for someone who only needs to move a pivot. Also, this type of permit does not involve new water rights. It is a paper change in the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources. There is concern people will not apply for these permits because of the high fees, causing problems down the line. Assembly Bill 114 revises the fee for changing the point of diversion for irrigation purposes by reverting it back to a flat amount of \$750. The original bill proposed a \$500 fee. The Assembly raised the fee to \$750. The higher fee is still lower than how the law stands under A.B. No. 480 of the 75th Session. I urge this Committee to support the bill.

DEBRA M. AMENS:

I am speaking on behalf of my husband and me. We own a ranch outside of Austin. In March, we discovered we had to make a change to our water rights. I spoke to the staff engineer at the Office of the State Engineer to make the change and it was explained to me that if this bill passes, it will cost us about \$3,500 to \$4,000. If this bill does not pass, the change will cost us about \$30,000. This would be a significant hit to us. This bill is also needed because

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the law chills the efforts of people to voluntarily keep water certificates up to date. We urge your support on A.B. 114. This bill returns the permit to a flat fee and removes the \$3 per acre-foot charge.

CHAIR LEE:

Can you explain structural reasons for this bill?

MS. AMENS:

In our case, we do not have to move a pivot. My parents had the ranch before us. When they put in the pivots, they did not tie the certificates to the places where irrigation occurs. We have plenty of water rights for our irrigation, but the pivots are not pointing to where we irrigate. We are hiring a certified water surveyor to create new maps and to adjust the applications so the certificates tie to the actual sections we irrigate. Those maps will be submitted to the Office of the State Engineer for approval and filing.

SENATOR SETTELMAYER:

An example of a point of diversion change occurred to my neighbor, the Washoe Tribe. The 1997 flood destroyed the Tribe's diversion. The river changed as a result of the flood, and the Tribe's diversion could not return to the same place due to an elevation problem. The Tribe had to move the diversion upstream 500 yards, which created a new point of diversion. It is not always the fault of water owners that new diversions are needed; they can result from the influence of Mother Nature.

SENATOR RHOADS:

The \$3 per acre-foot charge is costing the farmers and ranchers.

CHAIR LEE:

Senator Rhoads, are you satisfied with the amended fee of \$750 from the bill's original \$500?

SENATOR RHOADS:

Yes.

SENATOR SETTELMAYER:

Page 2, line 38 of the bill addresses the \$3 per acre-foot charge. Does the \$3 go away?

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HEIDI CHLARSON (COUNSEL):

The \$750 fee Senator Rhoads refers to is on page 3, lines 1 through 4 of the bill.

SENATOR SETTELMAYER:

Testimony said the \$3 per acre-foot charge would go away.

SENATOR RHOADS:

Yes, the \$3 charge goes away.

MS. CHLARSON:

It is my understanding that the \$3 per acre-foot charge on page 2, line 38 is referring to a different section.

SENATOR SETTELMAYER:

I support the bill as long as it is accomplishing our intent.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 114.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR LEE:

The hearing on A.B. 195 is open.

ASSEMBLY BILL 195 (2nd Reprint): Revises provisions governing the destruction and storage of court records. (BDR 19-550)

JOHN R. MCCORMICK (Rural Courts Coordinator, Administrative Office of the Courts, Nevada Supreme Court):

Assembly Bill 195 was amended by the Assembly Committee on Ways and Means. Using the bill's first reprint, the Assembly removed sections 2, 3 and 4. The bill as amended in the second reprint is left with section 1, subsections 1 and 2.

The crux of this bill is on page 3, lines 7 through 10. The bill says it allows a district court to save records on an electronic recordkeeping system, in addition to law requiring records be on microfilm. Assembly Bill 195 modernizes the ability of district courts to keep records in compliance with the Nevada Supreme Court's record retention schedule.

CHAIR LEE:

Does the Nevada Supreme Court have an archivist?

MR. MCCORMICK:

The Nevada Supreme Court does not have an archivist. Initially, this bill allowed the Division of State Library and Archives, Department of Cultural Affairs, to house the district court records, but concern arose that it would cause a fiscal impact. The Assembly Committee on Ways and Means removed the references to the State Library and Archives in the bill and left section 1, subsections 1 and 2. This is how the bill is presented in the second reprint.

BEN GRAHAM (Administrative Office of the Courts):

The second reprint services the needs of the courts. The provisions removed should never have been added. The bill brings recordkeeping into the twenty-first century.

ELANA GRAHAM (Director, Intergovernmental Relations, Eighth Judicial District Court):

The Eighth Judicial District Court agrees with presented testimony as the bill revolutionizes what we do in district court. It will make the recordkeeping process more efficient.

CHAIR LEE:

Are all the courts in agreement?

MR. MCCORMICK:

Yes. Assembly Bill 195 keeps the status quo in justice and municipal courts and allows the district courts to use an electronic recordkeeping system. All nine district courts support the change, as it will save them effort and the counties money.

SENATOR MANENDO MOVED TO DO PASS A.B. 195.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR LEE:

Our last bill is A.B. 526.

[ASSEMBLY BILL 526 \(1st Reprint\)](#): Revises the requirement for the State Fire Marshal to inspect state buildings. (BDR 42-1204)

MIKE "ZAK" DZYAK, Lieutenant (State Fire Marshal Division, Department of Public Safety):

I am presenting on behalf of Chief James M. Wright. Assembly Bill 526 modifies the requirement for the State Fire Marshal to inspect 100 percent of State-owned and leased buildings.

We want to create a prioritized list and have the *Nevada Administrative Code* take factors into account to ensure that certain facilities are inspected annually and the remaining facilities as we can get to them.

Parameters for the inspections would ensure we inspect places annually where individuals sleep. These are places with restricted egresses such as prisons, juvenile detention centers and college dormitories where high liability of life is present. Next in priority would be large office buildings, facilities critical to the State infrastructure, hazardous facilities and historically significant facilities. Assembly Bill 526 eases the 100 percent mandate that our current staff cannot meet and creates a priority list for inspections.

RUSTY McALLISTER (Professional Firefighters of Nevada):

We support the bill as long the State Fire Marshal sets up a priority list and lets local governments know those priorities. Most State buildings in southern Nevada meeting those requirements are in Clark County. These buildings include the Nevada System of Higher Education and detention facilities. Priority lists and contracts with local governments need to be established. The State Fire Marshal has not been able to do contracts with local governments in some time.

CHAIR LEE:

Does the State Fire Marshal need this bill to set up a priority list and to contract with local governments?

LIEUTENANT DZYAK:

Nevada Revised Statute 447.035 says we have to inspect all State buildings. We have accepted competent jurisdictions to inspect facilities. There is no funding for us to pay for those inspections. Our limited staff inspected 100 percent of the rural counties and conducted 75 percent of the annual inspections in Washoe County with the University of Nevada, Reno, as our largest facility. We accept inspections by the Clark County Fire Department for the University of Nevada, Las Vegas (UNLV), and UNLV has a fire safety staff that we also accept. We have to maximize efforts toward fire safety, and we document the records.

SENATOR MANENDO MOVED TO DO PASS A.B. 526.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR LEE:

Seeing no more business, I adjourn this meeting of the Senate Committee on Government Affairs at 9:35 a.m.

RESPECTFULLY SUBMITTED:

Cynthia Ross,
Committee Secretary

APPROVED BY:

Senator John J. Lee, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster