

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

**Seventy-sixth Session
February 14, 2011**

The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 9:02 a.m. on Monday, February 14, 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

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Heidi Chlarson, Counsel
Martha Barnes, Committee Secretary

OTHERS PRESENT:

Jay Logue, Chief, Capitol Police Division, Department of Public Safety
Christopher Perry, Acting Director, Department of Public Safety
Bjorn (BJ) Selinder, Eureka County
James P. Ithurrealde, Commissioner, Eureka County
Jake Tibbitts, Manager, Department of Natural Resources, Eureka County
Steve Bradhurst, Executive Director, Central Nevada Regional Water Authority
George N. Benesch, Nye County Water District; Nye County
Dean Baker, White Pine County
Andy Belanger, Manager, Management Services Division, Southern Nevada Water Authority; Las Vegas Valley Water District
John Pappageorge, Vidler Water Company
Joe Johnson, Toiyabe Chapter of the Sierra Club
Mike Baughman, Ph.D., Executive Director, Humboldt River Basin Water Authority

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Dale C. Bugenig, Consulting Hydrogeologist, Eureka County
Kyle Davis, Policy Director, Nevada Conservation League
Jason King, P.E., State Engineer, Division of Water Resources, Department of Conservation and Natural Resources
Wes Henderson, Deputy Director, Nevada Association of Counties
Constance J. Brooks, Senior Management Analyst, Administrative Services, Clark County
Margaret G. Flint, Reno Wedding Chapel Alliance
Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada

CHAIR LEE:
We will open the hearing on Senate Bill (S.B.) 9.

SENATE BILL 9: Revises the functions and responsibilities of the Capitol Police Division of the Department of Public Safety. (BDR 27-462)

JAY LOGUE (Chief, Capitol Police Division, Department of Public Safety):
Senate Bill 9 was submitted to expand the responsibilities of the Capitol Police when conducting investigations both on and off state property. When crimes occur on state property, Capitol Police is requesting the authority to follow up on the crime investigation. Section 140 of chapter 331 of *Nevada Revised Statutes* (NRS) restricts Capitol Police officers' jurisdiction to state property only. If a crime is committed on state property, qualified officers are able to conduct investigations.

CHAIR LEE:
Could you provide an example of a crime committed on state property? For instance, if someone robs a purse off a desk and takes it across the street to separate the contents, you want the authority to go after them?

MR. LOGUE:
Yes, that is correct. Under NRS, Capitol Police does not have the authority to leave state property to apprehend someone. What we would have to do in this situation is to contact the Carson City Sheriff's Office, Nevada Division of Investigations or another state agency who has the jurisdiction to provide assistance.

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CHRISTOPHER PERRY (Acting Director, Department of Public Safety):

This clean-up bill will allow Capitol Police to go off property and complete an immediate follow-up to crimes occurring on state properties. If further assistance is needed, it would have to be referred to the Carson City Sheriff's Office or the Investigations Division of the Department of Public Safety.

CHAIR LEE:

To provide additional information for the Committee, Capitol Police protects the areas of the Buildings and Grounds Division of the Department of Administration. Administratively, Capitol Police officers are paid through the Department of Administration and managed by the Department of Public Safety. If the investigation became larger, assistance would be requested from the Department of Public Safety?

MR. LOGUE:

Yes, that is correct.

SENATOR MANENDO:

Because Legislative Police is separate from Capitol Police, would they be included in this legislation?

MR. LOGUE:

No, they are not included in the bill.

SENATOR MANENDO:

Our school district police can go in and around schools. They can actually write tickets on the street, so even though they are off-property they still have jurisdiction. I do not have a problem with the bill but wonder if Legislative Police would need to be included.

MR. PERRY:

I do not know the specific parameters of jurisdiction for Legislative Police, but it might be worth researching.

CHAIR LEE:

When the Governor comes to the Legislative Building, he is escorted by Capitol Police, so if there is a bomb threat in the building, do you work together? How do you work with the Legislative Police?

MR. LOGUE:

When the Governor comes to the Legislative Building, he is accompanied by dignitary protection. Normally, Capitol Police does not provide those services for the Governor. We do work with Legislative Police, and the lines are very clear regarding jurisdictions. If something were to happen, we might have to assist due to the severity of the incident, but we are strictly prohibited from providing law enforcement services in order to assist the Legislative Police. Senate Bill 9 passage would allow Capitol Police to work hand in hand if a crime were to occur on legislative property and the person crossed into Capitol Police jurisdiction. Both could give chase and handle the incident.

CHAIR LEE:

When something happens now, once you step off the property, you are private citizens.

MR. LOGUE:

Yes, that is correct.

SENATOR HARDY:

As I am reading on page 2, lines 6 and 7, "any investigation relating to the enforcement of subsection 1," you are describing immediate incidents because subsection 1 requires you to protect the safety of any persons on that property. Is that how you determine the immediate nature of the interaction?

MR. PERRY:

Yes, Senator Hardy, that is correct.

SENATOR SETTELMAYER:

You indicated the bill only pertains to investigations of crimes committed, so this would not give you the ability to thwart a crime.

MR. PERRY:

Yes, that is correct.

CHAIR LEE:

We will close the hearing on S.B. 9 and I will entertain a motion.

SENATOR SETTELMAYER MOVED TO DO PASS S.B. 9.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LEE:

The next bill to be heard is S.B. 68 on behalf of Eureka County.

SENATE BILL 68: Requires the State Engineer to allow a city, county or other political subdivision to participate in developing and carrying out a plan or conducting a study relating to the appropriation of water for beneficial use under certain circumstances. (BDR 48-525)

BJORN (BJ) SELINDER (Eureka County):

On behalf of Eureka County, Jim Ithurrealde, Eureka County Commissioner, and Jake Tibbitts, Eureka County Natural Resources Manager, will provide testimony for the Committee.

JAMES P. ITHURRALDE (Commissioner, Eureka County):

When the State Engineer requires a monitoring and mitigation plan or a study as a condition of appropriating water for beneficial use, S.B. 68 will allow local governments to participate. Local governments and their constituents have the local knowledge necessary to provide constructive insight into monitoring or mitigation that is so important at the local level. The Eureka County Board of Commissioners worked on formulating thoughts and intent, then asked staff to write a proposed bill draft. We know several entities are confused about the language in S.B. 68, and we agree the language may not fully explain the intent behind our proposal.

JAKE TIBBITTS (Manager, Department of Natural Resources, Eureka County):

Senate Bill 68 seeks to memorialize a requirement that the State Engineer allows participation by local governments in monitoring and mitigation plans or studies ordered by the State Engineer as a requirement in appropriating water for beneficial use. This participation includes input into the development of a monitoring and mitigation plan and throughout the deployment of the plan.

Management decisions are best made when the local input and concerns of the people are included. Senate Bill 68 provides an avenue for this accounting.

Through S.B. 68, the State Engineer needs to involve local government only when he first orders a study or plan prior to putting water to beneficial use or if the local government specifically requests to participate. The State Engineer can ignore the input, but at least the local government has the opportunity to participate in the process. The State Engineer would only be required to consider input from local governments when the plan is being developed and implemented.

Senate Bill 68 is aimed at improving local confidence in determining that impacts caused by rapid water resource development will be detected and addressed. Only the local government, elected by and accountable to the local people, can properly legitimize the compromises necessary in protecting water resources, local values and concerns. Local governments must have active participation and be able to voice input on the local rights, resources and values to include monitoring and mitigation that could ameliorate impacts on these local rights and values.

Nevada Revised Statute 278 requires counties to prepare and implement master plans, including water resources. Water resource planning is mandated by the State to occur at the local level. We agree; however, we find it difficult to implement our local plans and policies without having a seat at the table when monitoring a mitigating plan and studies ordered by the State Engineer on certain water appropriations. It is a catch-22 to mandate water resource planning at the local level, yet not explicitly allow for local government participation in the monitoring and mitigation of studies ordered by the State Engineer.

The method to gain a participatory role is for local governments to protest water applications of concern and negotiate with the applicant for participation in water resource monitoring and mitigation plans. If there is failure, protests continue, litigation ensues and collaborative resource management is cast aside. We cannot say S.B. 68 will reduce protests or the amount of litigation going forward.

We want to deal with concerns raised by other entities to ensure the language addresses our intent and meets everyone's needs. I will provide a copy of my testimony ([Exhibit C](#)).

CHAIR LEE:

Do you have a master plan for the county?

MR. ITHURRALDE:

Yes, we do.

CHAIR LEE:

If this master plan is in process and someone wants to buy or take over something, you cannot control it. The only thing you can control is getting a water application to the table to discuss the master plan.

MR. ITHURRALDE:

The only way we can get to the table is to protest an application. We would rather not be adversarial.

CHAIR LEE:

If this is important to Eureka County, where is your Assemblyman or Senator on this issue?

MR. TIBBITTS:

We have spoken to Assemblyman Pete J. Goicoechea, and he is hosting a meeting this afternoon among all interested parties.

CHAIR LEE:

I would like to see all representatives participate in this meeting.

STEVE BRADHURST (Executive Director, Central Nevada Regional Water Authority):
The Central Nevada Regional Water Authority is an eight-county unit of local governments addressing water resource issues important to member counties ([Exhibit D](#)).

If you have a water plan that could adversely impact a water source, then you would see a monitoring and mitigation plan. Permits are issued all the time, but a subset of those permits has a monitoring and mitigation plan. It protects the applicant, basin of origin, economic future, current economy of the area and natural environment. This bill will allow the effective unit of local government to participate in the development of the monitoring and mitigation process. It is critical to understand the State Engineer would only consider the input from

local governments as it is not binding. Senate Bill 68 does not diminish the authority of the State Engineer but enhances it.

The State Engineer has a mission to conserve, protect, manage and enhance Nevada's valuable water resources for the public. Senate Bill 68 provides the State Engineer greater public involvement and transparency in implementing his important mission for the public.

In Nye County recently, U.S. Department of the Interior agencies, including Fish and Wildlife Service, Bureau of Land Management and National Park Service, processed right-of-way and lease permits for a solar energy project in Amargosa Valley called Solar Millennium. The U.S. Department of the Interior did not invite Nye County and other state agencies to participate in the monitoring and mitigating discussions with Solar Millennium. Nye County was invited to appear as a guest but not to participate, so we informed them the State Engineer should also be involved. There is another company requesting permits in the Amargosa Valley called Abengoa Solar.

Senate Bill 68 is about state and local government cooperation and coordination as well as greater transparency for the decision-making process of the State Engineer. *Nevada Revised Statute* 225.220 defines participatory democracy as the participation of residents of this State in the development of public policy and in the improvement of the operation of government at all levels.

GEORGE N. BENESCH (Nye County Water District; Nye County):

I am testifying in support of S.B. 68. I have testified on numerous water matters throughout the State, and my testimony is not offered as a criticism of the Office of the State Engineer ([Exhibit E](#)).

The State Engineer does not include public entities in the monitoring and mitigation plans or studies. Also, public agencies' input and comments in furtherance of monitoring and mitigation plans and studies in the past have often been ignored. The Nye County Water District and the Lincoln County Water District may see increased duties shifting from the counties in the future. Comments from the counties on some of these major water projects often seemed to have been ignored by the Office of the State Engineer. Oftentimes, the approval for these applications falls to the counties, so the monitoring and mitigation plans may fall through the cracks. This is not intended as a criticism due to the budget and staffing cuts in the Office of the State Engineer.

Senate Bill 68 does not require participation or input by public entities, rather it affords a participation opportunity that has been lacking in the past.

DEAN BAKER (White Pine County):

I am testifying in support of S.B. 68. Much is known about White Pine County's drawdown of water and the impacts to Ely and the Steptoe Valley. White Pine County needs to be more participatory, which is critical for White Pine County's survival. Baker sewer and water, for example, could be negatively impacted with water issues, so it is important for the water to be monitored. Almost all of the rural counties are seeing drawdowns of water, and they should be aware of the impacts.

CHAIR LEE:

The U.S. Department of the Interior does not control the water underneath—it is still a State of Nevada asset?

MR. BRADHURST:

Correct. What is occurring in Amargosa Valley is through the Endangered Species Act. The U.S. Fish and Wildlife Service is requiring solar energy projects to provide water as mitigation. When the discussion is about water, water rights and water issues, Nye County wants the State Engineer included.

CHAIR LEE:

Eventually the State Engineer gets involved?

MR. BRADHURST:

The State Engineer would be involved when it comes to applications, but if there is a requirement to move water or purchase existing water rights—or at anytime water is under discussion, Nye County's position is the State Engineer must be included at the beginning, not at the end.

CHAIR LEE:

Under this bill, you can still do all the work, but the State Engineer could ignore your request. Is this a legal tool to force your information into consideration?

MR. BENESCH:

The NRS is pretty clear about the duties of the Office of the State Engineer. The bill is a tool to help get additional information into the State Engineer's hands.

MR. BAKER:

White Pine County works well with the State Engineer and realizes it needs to be better informed and closely tied to the water in the county.

ANDY BELANGER (Manager, Management Services Division, Southern Nevada Water Authority; Las Vegas Valley Water District):

We are neutral on S.B. 68 and will meet with the other entities to work out concerns we have with the language. As everyone is aware, water in Nevada belongs to the public and is regulated by the State. There is a reason for that. Water issues are complex and require a statewide focus. One of the concerns voiced by the Southern Nevada Water Authority is if you allow local governments with divergent opinions to participate in an adversarial process throughout the hearing, after that monitoring and mitigation plan is set, the adversarial role continues. Where does that leave the State? This bill has a great deal of merit, but we need to make clear in the bill that the decisions of the State Engineer are final. Local governments should have a role in providing information and insight but not be able to dictate to the State Engineer. Water belongs to the public and is regulated by the State, and those overriding themes of Nevada water law should be preserved.

CHAIR LEE:

Are you seeing this as a dictation to the State Engineer?

MR. BELANGER:

The word "consider" could be interpreted a couple of different ways. The word needs to be defined more clearly.

JOHN PAPPAGEORGE (Vidler Water Company):

We are leaning toward support of S.B. 68, but we could be neutral if there are going to be further meetings to clear up language issues.

JOE JOHNSON (Toiyabe Chapter of the Sierra Club):

We are presently in support of S.B. 68 pending further discussions.

MIKE BAUGHMAN, Ph.D. (Executive Director, Humboldt River Basin Water Authority):

A letter is being distributed from the Humboldt River Basin Water Authority (HRBWA) that voted to support BDR 48-525 ([Exhibit F](#))—S.B. 68. I would note a couple of issues underscoring the need for this bill. I have a letter ([Exhibit G](#))

from the State Engineer written to White Pine County, dated June 28, 2007, where White Pine County had requested to participate in the development of a monitoring and mitigation plan. The State Engineer noted White Pine County had the opportunity to negotiate with the applicant prior to the administrative hearing. When the applicant and the county prepare a stipulated agreement, the agreement requires the protestor to withdraw the protest prior to the administrative hearing. At this point, the protestor is no longer allowed to participate in any administrative hearing because that right was given up by accepting the stipulated agreement. The HRBWA does not think anyone should have to give up a protest in order to participate in the process. The protest may still have validity and issues that should be vetted through the administrative hearing process. Having to give up the right to an administrative hearing to be able to sit at the table does not seem appropriate.

The HRBWA would recommend an addition to section 1, subsection 1, line 8 of the bill, should have inserted after the word appropriated,... : "and which timely protested the application whose approval resulted in the requirement for a monitoring or mitigation plan"... .

This should not be opened up to anybody who wants to be involved with the monitoring and mitigation plan. You have to be a participant in the process by protesting the process and having an issue at stake. If you did that and a monitoring plan is going to result from that process, then you should be invited to be at the table for developing that plan. Narrowing the focus means only the parties who took the time to get involved in the process should be allowed to participate. The HRBWA believes we have the best water laws in the United States. We support the water laws in Nevada and believe any changes should be considered very carefully.

DALE C. BUGENIG (Consulting Hydrogeologist, Eureka County):

I am a hydrogeologist engaged by Eureka County to assist in addressing a number of local water-related issues. My 35-year professional life has provided me the opportunity to work in most of the states west of the Rocky Mountains, but the bulk of my career has been spent in the arid Great Basin, especially Nevada. I studied under Dr. George Burke Maxey, a pioneer in the discipline of hydrogeology who made significant contributions to the understanding of water resources in Nevada. I make certain my clients' water resource exploitation will not impact the usual and customary use of the resource by their neighbors.

In my written testimony ([Exhibit H](#)), I explain that water resource management is critical because we rely on the resource being available in perpetuity. At the annual conference of the Nevada Water Resources Association in Reno, we learned overall water demand is rapidly approaching supply, and in many areas has already outstripped the available supply.

The geologic framework controlling the occurrence and movement of groundwater is complicated, as are the physical processes controlling recharge to the groundwater system. Even the most complex analysis, using the best tools available, is a gross simplification. Because my ability to see underground and to forecast the future is probably no better than yours, I emphasize the need to effectively manage the resource. Under ideal conditions, an effective monitoring program may identify unanticipated impacts arising from groundwater development early enough to allow mitigation measures to be implemented.

Unfortunately, the only way for a duly elected local governmental entity with a vested interest in a particular water resource to become involved in the monitoring and management of the resource is to protest the applications filed to appropriate waters in the State. By lodging a protest, the local entity has the opportunity to reach a settlement agreement over the issues identified from a project that seeks to appropriate large quantities of water. If the parties cannot come to a stipulated agreement, and the State Engineer approves the appropriations, the State Engineer has no compulsion to include the former protestants in the water management process.

A decision by the State Engineer, contrary to the local governmental authority, incites the local government to seek relief through the courts, which costs all parties a great deal of money. Allowing the local governmental entity to actively participate in a monitoring program has the potential to decrease costly litigation. Active participation does not mean an annual report summarizing data, but an opportunity to analyze the data and provide input toward the interpretation and reporting.

Eureka County has hired me to assist them in preparing a comprehensive water resource master plan, consistent with the natural resource component of the existing comprehensive County Master Plan. We met with representatives from the Office of the State Engineer to discuss water planning at the local level. The representatives expressed support for the effort to develop a water plan

consistent with the State and local land-use policies. A well-conceived water resource master plan will help the State Engineer assess whether a particular water appropriation is in the public interest—for example, in this case, Eureka County's water resource master plan. The State Engineer is compelled to deny an appropriation if it is found not to be in the public interest.

Monitoring the effects of water-resource development is a key component of resource management, and it is important to know if the water resource development is proceeding in accordance with the approved resource plan. Furthermore, monitoring is of little value if mitigation measures cannot achieve a result satisfactory to the affected parties. As with monitoring, the local authorities in the area where resource development is occurring should be encouraged to provide local insight to assist the decision-making process of the State Engineer.

The provisions of S.B. 68 go a long way toward helping the State Engineer manage the resources of the State by taking into account local land and water resource-management goals and policies.

KYLE DAVIS (Policy Director, Nevada Conservation League):
We want to be on record as being in support of the legislation.

JASON KING, P.E. (State Engineer, Division of Water Resources, Department of Conservation and Natural Resources):

The Division of Water Resources is not in support of S.B. 68 as written ([Exhibit I](#)). There are two distinct components of S.B. 68; one relates to studies ordered by our office and the second relates to monitoring, management and mitigation plans, also known as a 3M plan, required by our office. The purpose of the bill is to give cities, counties or other political subdivisions the ability to have a seat at the table in establishing those studies and plans.

The section addressing study participation is unnecessary since NRS 533.368 already provides that if the Office of the State Engineer determines a hydrological study, an environmental study or any other study is necessary before a final decision is made on an application, he shall consult with the applicant and the governing body of the county or counties in which the point of diversion and place of use is located concerning the scope and progress of the study. Therefore, any county already has a seat at the table concerning

studies. Since a county covers the relevant cities or other political subdivisions, this change in law is unnecessary.

Regarding the section relative to a county, city or political subdivision to be involved in the 3M plan, our office does not believe it will reduce the number of applications protested because those entities will still want the placeholder to be heard. Also, if we think a county or any other entity should be involved in a 3M plan, we have the authority to provide them that opportunity now. These entities are not precluded from providing the State Engineer with ideas or concerns regarding the 3M plan; anything submitted to our office is considered.

Lastly, the instances where a city, county or other political subdivision protests a water right application and subsequently has the protest overruled and a permit issued, there is a real concern that by allowing the same city, county or political subdivision to then participate in the formulation of a 3M plan provides the protestant a second, substantive opportunity to thwart a project by not agreeing to provisions in the 3M plan. History indicates some protestants will argue for undoable, excessive and costly items to be included in a plan. This proposed legislation adds unreasonable obstacles to putting water to beneficial use and takes away our discretion to effectively manage the water resources in Nevada.

Our office does not have the market cornered on good ideas. We always welcome good data, but making it mandatory creates some concerns. I personally have never told an entity they cannot submit their ideas to the 3M plan. I do not tell them it will make it into the plan, but we always welcome the information and review it. If the ideas are good, they can be included in the 3M plan. I will be attending the meeting with the stakeholders this afternoon.

CHAIR LEE:

I would like to ask our Committee Counsel to see if she interprets the law the same way you do.

HEIDI CHLARSON (Counsel):

The way S.B. 68 is written, the State Engineer is required to consult with the local governments in certain situations. The difference is that this bill provides a mechanism for the local governments to request participation. The level of participation may be a bit more specific than what they are allowed to do pursuant to existing law.

CHAIR LEE:

That is where the Committee stands with the verbiage already in law. We will close the hearing on S.B. 68 and open the hearing on Senate Bill 22.

SENATE BILL 22: Authorizes a board of county commissioners to prescribe certain fees by ordinance. (BDR 20-281)

WES HENDERSON (Deputy Director, Nevada Association of Counties):

The fees the counties are authorized to charge for certain services are established in statute. These include fees for the recording, certifying and copying of documents by county clerks and recorders and for certain process services by sheriffs and constables.

Senate Bill 22 would authorize a board of county commissioners to adopt ordinance-setting fees different from those established in statute if the board determines the statutory fee is insufficient to cover the actual cost of providing the service. Any fee enacted under this provision must not exceed the actual cost of providing the service. We ask you to support S.B. 22, allowing the counties to respond when the costs of providing a service increase. I have provided a written copy of my testimony ([Exhibit J](#)).

CHAIR LEE:

There is an issue of escalating employee wages in certain counties. If the wages increase for an employee who makes the copies, does that mean the cost of the copies will also increase? The county commission has to vote on any increases, but when wages increase, does everything else follow?

MR. HENDERSON:

I would assume wages would be a part of the calculation of what it costs to provide a service. As you pointed out, the board of county commissioners would have to determine the increase in an open hearing and state the fee was insufficient to cover the cost of the service. The actual increased costs would also need to be reported at the hearing.

CONSTANCE J. BROOKS (Senior Management Analyst, Administrative Services, Clark County):

We are in support of S.B. 22, as it would allow for greater flexibility with our commission to reflect the actual costs of services. This could also impact the reduction of costs to our general fund.

SENATOR MANENDO:

If someone is conducting research on the Internet, is a fee charged from the Clark County Website? A constituent was concerned about being charged for the copies of public records even though this person was printing copies. Exactly what services do you charge for?

MS. BROOKS:

The fees vary. I would need additional information regarding the documents your constituent is trying to print to know whether there would be a charge. Some documents, because of their volume, require a fee. We are open government and try to provide much information at little or no cost to constituents.

SENATOR MANENDO:

If the constituent has done all the research online, would they have to pay any fees if copying the documents at home?

MS. BROOKS:

Generally, documents in a pdf format cannot be altered or changed, so the constituent should be able to print and not incur a cost. For the most part, information on our Website is free of charge.

MARGARET G. FLINT (Reno Wedding Chapel Alliance):

We do not have a large issue with this bill but would like to be on the record regarding our concerns. Some of these fees would affect the increased fee for the marriage license. In the 2009 Legislative Session, marriage licenses were increased \$5 for aid to victims of domestic violence as was the price of the certified copy of the marriage license. We would request a possible exemption on the increase to marriage license or filing fees.

REBECCA GASCA (Legislative and Policy Director, American Civil Liberties Union of Nevada):

This bill would allow county commissioners to set certain fees above those statutorily mandated if the level is insufficient to cover the actual costs, with the new fees set by the county not to exceed the actual costs. However, there is no mechanism to ensure counties do not overcharge beyond their actual costs in order to raise additional revenue. This is not hypothetical, since the American Civil Liberties Union of Nevada has had to litigate a similar matter in context of the open records law, NRS 239 Public Records. We see no checks and balances

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to ensure the county claims to charge more money is due to actual costs, so we are opposed to this bill.

CHAIR LEE:

We will close the hearing on S.B. 22. This bill will go to work session along with our other bills. The meeting is adjourned at 10:08 a.m.

RESPECTFULLY SUBMITTED:

Martha Barnes,
Committee Secretary

APPROVED BY:

Senator John J. Lee, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: February 14, 2011

Time of Meeting: 9:02 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 68	C	Jake Tibbitts	Testimony supporting the bill to allow governmental agencies to participate in monitoring and mitigation plans created by the State Engineer
S.B. 68	D	Steve Bradhurst	Testimony supporting S.B. 68. References Solar Millennium in Amargosa Valley
S.B. 68	E	George Benesch	Testimony supporting S.B. 68
S.B. 68	F	Mike L. Baughman	Letter from Humboldt River Basin Water Authority supporting BDR 48-525
S.B. 68	G	Mike L. Baughman	Letter from State Engineer to White Pine County
S.B. 68	H	Dale C. Bugenig	Letter from Dale Bugenig supporting S.B. 68
S.B. 68	I	Jason King	Testimony opposing S.B. 68
S.B. 22	J	Wes Henderson	Testimony supporting S.B. 22