

Assembly  
GOVERNMENT AFFAIRS COMMITTEE  
MINUTES OF THE MEETING  
FEBRUARY 10, 1971

ALL MEMBERS OF THE COMMITTEE PRESENT

ALSO PRESENT: ASSEMBLYMAN FRANK YOUNG  
SENATOR MEL CLOSE  
HOMER RODRIGUEZ, CARSON CITY ASSESSOR  
JAN MAC EACHEAN, LEAGUE OF WOMEN VOTERS  
ROBERT J. GAGNIER, STATE EMPLOYEES ASSOCIATION  
BOB GRIFFEN, LYON COUNTY COMMISSIONER  
WARREN LEWIS, LYON COUNTY COMMISSIONER  
JOE NEAL

Chairman Smith called the meeting to order.

AB 58 - Authorizes county assessors to appeal to State Board of Equalization.

Homer Rodriguez, Carson City Assessor, stated his belief that the bill was not necessary. He said he felt that at the present time he could go to the State Board of Equalization at any time under the present law. He stated that he felt that the assessors would have no objection to AB 58 if the words "with the consent of the county commissioners" were deleted.

Assemblyman Lauri asked the make up of the County Board of Equalization.

Mr. Rodriguez stated that in Carson City the County Board was composed of the Supervisors, a member representing the School District and one at-large member.

Assemblyman Bryan asked the nature of the hearings before the State Board of Equalization.

Mr. Rodriguez stated that it was a review of the evidence presented to the County Board.

Assemblyman Dini pointed out that as an elected official the assessor should have the power to appeal to a higher authority without the consent of the same people who had turned down one of his assessments.

Assemblyman Hawkins pointed out that as the bill was now written both the citizens and the assessor would have to have the consent of the county board before carrying the appeal to the State Board of Equalization.

It was decided to take no action on this matter until some of the members of the committee could talk with the assessors in their own counties.

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AB 6 - Provides for observance of certain legal holidays on Fridays, permits the Governor to declare legal holidays.

AB 100 - Requires observance of Friday holiday when Saturday following is legal holiday.

Mr. Robert Gagnier, speaking for the State Employees stated that his organization favored AB 6, which would give the Governor the power to declare holidays and in his opinion would give the power to declare Friday holidays and also allow the governor to declare special days such as Moon Day and days of mourning. He also pointed out to the committee that the average number of holidays for state employees was 10.3 and Nevada has only 9.

Assemblyman Getto stated that the cost of declaring a holiday had to be considered.

Assemblyman Dini felt that the closing of banks for three days could work a hardship on small business men.

Assemblyman Ronzone felt that this bill would affect too many people and should be amended.

Senator Close, who introduced AB 52 of the 55 Session, stated that it had been drafted to comply with the Federal law and that the power of the Governor to declare legal holidays was included in the bill, but was deleted in the Senate and Washington's Birthday was added as a legal holiday and the Assembly accepted this version. He said he felt strongly that holidays falling on Saturday should be observed on Friday. Senator Close also pointed out that the Governor did not want the power to declare holidays when his bill was passed.

AB 169 - Creates Nevada Compensation Commission to review and recommend salaries for public officials.

Chairman Smith read the amendments to the bill which he had had drafted to cover the points in the bill which were not clear to the committee members when the bill was presented.

AB 9 - Eliminates fee for filing protest to action of State Engineer.

Assemblyman Young spoke in favor of this bill explaining that he felt a principle was involved. That he did not feel that a citizen should have to pay a fee to protest an action of the State. He explained that this action had come about because of a situation in Clark County that he was personally involved in. He said he felt that many times people had information that would be of value to the State Engineer and that at present they have to pay to

State engineer and that at present they have to pay to make this information available.

Mrs. Mac Eachean spoke for the League of Women Voters, whose position was that they did not feel that someone should have to pay to protest an action. (See attached statement).

Chairman Smith stated that he had spoken to the State Engineer about the bill and he did not feel strongly about the matter. However, in 1947, when the fee was raised from \$1.00 to \$10.00 the number of protests had dropped off and had only begun to increase in the last two years.

Assemblyman Bryan asked what the revenue from protest fees was.

Chairman Smith stated that it was about \$1,600.00, which went into the general fund. The fees paid for application for water were used for processing the application.

Assemblyman Bryan asked what the law required as to investigating a protest.

Chairman Smith said that each protest must be investigated. However, only one protest would be necessary for each application.

Assemblyman Bryan pointed out that there was no fee for protesting a zoning ruling and he felt that this might be consider the same.

Assemblyman Getto pointed out that the \$10.00 fee meant that the protest was important to the person filling it and that he would expect some investigation of the matter.

**ACTION TAKEN:**

AB 9 - Eliminates fee for filing protest with State Engineer.  
Assemblyman Bryan moved "Do Pass"  
Assemblyman Frazzini seconded the motion.  
Voting for the motion were Assemblymen Bryan, Frazzini, Hawkins  
Voting against the motion were Assemblyman Smith, Ronzone, Getto,  
Dini, Branch and Lauri.

AB 6 - Provides for observance of certain legal holidays on Friday and permits the Governor to declare legal holidays.  
Assemblyman Bryan moved to amend the bill to limit the number of holidays the Governor could declare to two.  
Assemblyman Branch seconded the motion.  
The motion carried.

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Assemblyman Ronzone moved that the bill be amended to exclude banks and savings and loan associations.

Assemblyman Dini seconded the motion.

The motion was carried.

Assemblyman Branch moved the bill be amended to include all political sub-divisions.

Assemblyman Bryan seconded the motion.

The motion Carried.

Assemblyman Bryan moved "DO PASS AS AMENDED".

Assemblyman Branch seconded the motion.

The motion carried unanimously.

AB 169 - Creates Nevada Compensation Commission to review and recommend salaries for public officials.

Assemblyman Bryan moved "DO PASS AS AMENDED"

Assemblyman Hawkins seconded the motion.

The motion carried unanimous.

The meeting was adjourned.

STATEMENT TO THE ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS  
re AB 9 - Eliminates fee for filing protest to action of State Eng

The League of Women Voters of Nevada supports AB 9 which would abolish the \$10 fee for filing a protest against a water application. This deletion in no way changes the substance of the water law, NRS 533.435, Sec. 1, 1.

The League believes that the right of the citizen to protest is basic to the principle of American democracy. The citizen should be encouraged to express his opinion through regular channels of government. Is not the alternative an encouragement to less desirable forms of protest?

The charging of a fee is a mechanism to discourage the citizen's participation in the decision-making process. This would be true even if the fee were lowered to a nominal sum. Water application protest fees are often not nominal as applications are frequently filed in series, particularly when large amounts of water are being applied for. A number of applications for small amounts of water may be filed by a potential user in order to secure a very large allocation. The filing of the protest then becomes almost prohibitive to the average citizen. In the case of the Amargosa Valley protest, for instance, the hat was passed among members of several public interest organizations in order to raise the necessary \$70 filing fees.

But the League wishes to emphasize that its concern is with the principle of encouraging citizen participation, not with the dollars demanded. We believe that giving a citizen the free right to express his opinion does not interfere with the decision-making authority of the State Engineer, as provided in the present statute. The ultimate responsibility is still his. With the fee eliminated the State Engineer can be assured he has heard and considered all views and not just those of the persons who have the money and are willing to pay to express them.

The attention of the committee is also called to the fact that we have been unable to find any other board, commission or agency of the State that requires a fee for filing a protest.

Thank you for the opportunity to be heard.