

MINUTES ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS, 55TH LEGISLATIVE SESSION, FEBRUARY 26, 1969

Present: Smith, Lingenfelter, Mello, Getto, Dini, Branch, Hilbrecht, Bryan Hafen.

Absent: Wood.

The meeting was convened by Chairman Smith with a quorum of seven members present. For the record he introduced some of the guests: Mr. Hugh A. Shamberger, retired; Mr. Herb Roundtree, Walker River Irrigation District; Mr. Roland Westergard, State Engineer; Mr. Ray Knisley; Maia Miller, League of Women Voters; Assemblyman Joe Viani.

Chairman Smith stated that the first order of business would be consideration of AB 278 which declares recreational use of water a beneficial use. He called upon State Engineer Roland Westergard for his comments.

Mr. Westergard stated that the State Engineer's office has through the past years recognized the recreational uses of water as beneficial uses without having them spelled out in the statutes. He said that the office makes its determination and by the issuance of special permits the use is established. He cited instances where his office has issued special permits recognizing the use recreational use of water to promote the growth of a golf course as a beneficial use; also the use of water for fish and game promulgation has been recognized as a beneficial use. This bill, Mr. Westergard stated, will support in effect what is already an established practice.

Mr. Hugh Shamberger was called upon for his comments. He stated that though he was now retired he had spent 30 years in the State Engineer's office. He said that he has felt for a long time that recreational uses of water should be recognized in the statutes. Recreation is now becoming one of the big industries of the state and will continue to grow. He said that he did not know of any instances where the recognized recreational uses of water were in conflict with other uses. He said that he would strongly recommend passage of this act which would give substance to the beneficial use of water and might enable us to get additional federal aid where such waters are recognized by statute.

Mr. Herb Roundtree of the Walker River Irrigation District was recognized by the Chair for his comments. Mr. Roundtree said that he had some concern for the future interpretations that may arise from the inferences of this act. He said that irrigation uses and other multiple uses could possibly be jeopardized.

Assemblyman Getto acknowledged to the committee that Mr. Roundtree was a former legislator. He asked him if in agriculture, the irrigational use of water was not also recognized as a beneficial use. Mr. Roundtree said that it was.

Assemblyman Hilbrecht said that under the old concepts of water use the appropriation doctrine recognized only irrigation and

other uses and that recreational uses were not considered. He asked Mr. Shamberger to comment on this.

Mr. Shamberger replied that that was largely true and that it is essential now that the multiple uses of water be recognized for future development. The old concept was "first in time; first in right". He said that most of the stream systems have been taken up by vested rights based upon the old concepts.

The committee discussed this and Mr. Westergard stated that he hoped it was not the intent of the committee to disregard the ancient water rights. He said that he did not feel that agriculture was endangered by the recognition of recreational uses. Mr. Roundtree said that he did not agree with the concept that irrigation districts do recognize recreational uses of water. There are water storage lakes established for irrigational purposes which recognize recreational uses on them for boating and fishing, etc.

Maia Miller of the League of Women Voters was introduced for her comments. She said that her group has made a study of state parks and they had found that water-oriented recreation has a high premium everywhere particularly in an arid country. In the boating section of the study there are some 72 areas indicated as possible recreation areas within Nevada. She said that they had another interest in long range planning for water use. In that planning they would like to see recreation outlined as one of the competing possibilities for the future use of water in Nevada. Both in present uses, and planning for the future, this will help to guide us in our decisions. We are interested in keeping our opinions as open as possible for the widest use of water for the future.

Mr. Ray Knisley then was asked for his comments.

Mr. Knisley said that his primary interest was in the Humboldt River. He said he had sent copies to Pershing County ranchers and they could see no harm to their interests on the Humboldt River between the use and the source of the river. This bill will do some good in clarifying some of the projects that are contemplated for the upper stream. It will also legalize the conditions on the lower areas. In practice this has been woven into the legal structure. To spell out in statute what is practice will be helpful for the California Nevada Compact when it comes before Congress. Also it will help deliberations in California. It is important to agriculture to show that we are not adverse to sharing the water for any use that does not reduce their use of the water. We need this bill badly to complete the compact.

Assemblyman Dini asked Mr. Westergard whether he felt that an amendment to this bill which would spell out the specific recreational uses would be advisable. State Engineer Westergard said that that would be harmful and restrictive. It is better to allow his office the flexibility of determination on the merits of each case. The advisability of listing beneficial uses could be dangerous.

Assemblyman Getto stated that the agricultural people in his area feel the same as the people in Mr. Knisley's area that the most beneficial use of water is the multiple use of water. Churchill County has no serious objections to this bill.

Chairman Smith thanked all of the people who had appeared and expressed themselves and excused them from the meeting. He then asked the committee for their pleasure on the bill.

Assemblyman Mello said that he would like to make a motion on behalf of Assemblyman Wood who was not able to be present but who had made his feelings on the bill known.

Mello moved for Wood Do Pass AB 278.

Hilbrecht seconded.

Motion unanimously passed.

The committee then discussed SJR 27 of the 54th Session which proposes a constitutional amendment concerning the compensation, expenses of legislators.

Hilbrecht moved Do Pass SJR 27 of the 54th Session.

B. Hafen seconded.

Motion unanimously passed.

AB 249 which provides for uniform county clerks' fees throughout the state was discussed. Assemblyman Lingenfelter said he had researched the bill and found that it made little change in the county fees now being charged but that it did succeed in making them uniform throughout the state. Assemblyman Hilbrecht said that the bill referred only to the minimum fee schedules and would not conflict with various charges that are pertinent to specific area conditions.

Branch moved Do Pass AB 249.

Lingenfelter seconded.

Motion unanimously passed.

Chairman Smith said that AB 1, the ombudsman bill, should be added to the agenda for Thursday. He said that two sub-committees had been working. Assemblyman Hilbrecht has been working on the various unification bills and that Assemblyman Getto had been coordinating the various wage practices and negotiations bills.

Chairman Smith said that AB 258 which the committee had previously postponed indefinitely had been withdrawn from the chief clerk's desk for further consideration. He suggested that one of the sponsors Assemblyman Bowler be called before the committee.

Assemblyman Bowler appeared and said that the bill had been drawn at the request of the Veterans groups. It would make permissive the submittal by those groups to the county commissioners a list of deceased veterans whose graves should be decorated on or near Memorial Day with an appropriate flag. The commissioners could then at their discretion vote the expense to do this. He said that he himself had no particular feeling on the bill and had not been the one requesting its reconsideration. However, he did state a case from his personal experience where it was possible that a veteran buried outside his home area would not have proper recog-

dition given his grave. Chairman Smith thanked him for his comments and he was excused.

Mello moved that AB 258 be reconsidered by the committee.

Motion was seconded.

Motion passed with the necessary 2/3 approval.

The committee then discussed the various aspects of the bill. Assemblyman Hilbrecht said that to him this was just another area where the functions of normal civic responsibility are being placed as governmental responsibilities. He stated that all of the groups that participate in the United Fund appeals and that are supported by voluntary contributions are deserving causes. This does not make them government responsibilities. A bill such as AB 258 opens the door. Chairman Smith said that he too felt that this area should be left to the public conscience. It was developed that when an area like this is opened to governmental support it can snowball into an insupportable tenet. Also by allowing the government to support such propositions even permissively undermines individual responsibility.

Mello moved Do Pass AB 258.

The motion failed for want of a second.

Lingenfelter moved AB 258 be postponed indefinitely.

Brach seconded.

Motion passed over the objection of Mello.

The meeting was adjourned.