

MEMBERS PRESENT

Chairman Hickey
Vice Chairman Price
Mr. Dini
Mr. Fielding
Mr. Getto
Mr. Mann
Mr. Marvel
Mr. Tanner

MEMBERS EXCUSED

Mr. Chaney

GUESTS PRESENT

Roland Westergard, Dept. Conservation & Natural Resources
Jac R. Shaw, Div. of State Lands
Pete Morros, DCNR
Bill Newman, Division Water Resources
Donna Lytle, Ranchers
Shirley McCrosky, Ranchers
Tom Ballow, Nev. Dept. of Agriculture
Dick Garrod, Farmers Ins. Group
Phil Martinelli, Dept. Agriculture
Michelle Cook, Rancers' Secretary
Mike Murray, Washoe Co. Animal Control
Harry W. Swainston, Deputy Attorney General
William Paul, Deputy Attorney General
John Polish, Assemblyman Dist. 35

Chairman Hickey called the meeting to order at 5:15 p.m. and announced that A.B. 745 would be the first bill on the agenda.

A.B. 745 - Provides for liability of dog owners and certain counties for injury to or death of livestock in certain circumstances.

Mr. Dick Garrod, Farmers Insurance Group, objected to the language in Sec. 4, lines 13, 14 and 15, which calls for punitive damages. He said the insurance company does not mind paying for damage done but they do object to paying double the amount of actual damages.

Chairman Hickey read a telephone comment from Mr. Dart Anthony, Las Vegas Humane Society, adamantly opposing A.B. 745 and urging the committee to kill the bill.

Mr. Sam Mamet, representing Clark County, had a problem with Sec. 5 which allows claims against a city or county dog license fund. He did not believe a municipality should be involved and suggested deleting Section 5. In response to Mr. Mann's question, Mr. Mamet said Clark County received approximately \$40,000 revenue for

fiscal 1979-80 from dog licenses.

Mr. Mike Murray, Washoe County Animal Control, raised the question of who could kill the dog. He said that often the owner might not be available and asked if a peace officer or the owner's agent could perform this act. He also asked what power the animal control division would have. It was Mr. Mann's opinion that anyone witnessing an attack should have the right to intervene.

Mr. Murray also asked who would determine what the livestock was worth. Mr. Dini suggested deleting Section 2 on page 2 since the language was vague.

A.C.R. 39 - Directs division of state parks of the state department of conservation and natural resources to terminate acquisitions of land for Spring Valley State Park.

Assemblyman Polish said that he, Senator Lamb and Senator Blakemore had received many complaints regarding the acquisition of land by the State Park Division in Lincoln County, and A.C.R. 39 is a result of these complaints by the ranchers.

John Meder, Administrator, Nevada State Park System, said the controversy resulted from the filing of condemnation actions in an attempt to obtain land for the park. He explained that the initial acquisition was directed by the 1977 Legislature and the Park Division needs similar direction from this Legislature if they are to stop condemnation proceedings.

Mr. Meder suggested that two important additions be made to A.C.R. 39. One, a hold harmless provision should be included which would provide that the property owners involved would not sue the state for damages if the condemnation actions were dropped. Two, the Park Division was also authorized to construct a power line and a provision granting a utility easement should be included as a condition of ceasing condemnation proceedings. Mr. Mann said he would also like to add a provision providing that if the land is no longer used for agricultural purposes the state would have the right to reenter and purchase it.

Mr. Bruce Albertson, an attorney representing a number of landholders in Lincoln County, said they agree with the Park Service that A.C.R. 39 should be adopted, but they do not feel that a hold harmless agreement should be included at this time. He expressed the opinion that a local judge should be the one to determine if damages were to be awarded the landholders. Mr. Mann disagreed with this theory and said the state should not

give up the land for the park and leave itself open for law suits as well.

Chairman Hickey asked Mr. Albertson what costs he was referring to. Mr. Albertson replied that court costs would be approximately \$200. Mr. Meder said these costs were not his concern, but he was concerned about law suits being filed against his agency as had been done against other agencies after condemnation proceedings.

Chairman Hickey asked if any farmers or ranchers desired to present testimony regarding agricultural land being changed to subdivisions. Max, a landowner, stated it was his opinion that any landowner should be permitted to do as he wished with his land. Mr. Mann questioned how the landowners could request that a park be prohibited and then allow an owner to initiate a subdivision. Upon questioning, Max said he was a rancher but also in the subdivision and contracting business.

Chairman Hickey presented a proposed bill relating to underground water rights in Diamond Valley and asked the committee if they wished to introduce it after certain changes had been made. The committee agreed to review the bill for introduction after such changes had been made.

A.B. 724 - Limits appropriation of water for agriculture and watering livestock.

Assemblyman Dean Rhodes presented proposed amendments, a copy of which is attached as Exhibit A.

Mr. Swainston explained the proposed amendments. Mr. Swainston reiterated his testimony contained in the April 18, 1979, minutes of the Agriculture Committee, regarding the necessity for the Tax Commission to give its consent to allow the United States to acquire water within the boundaries of the state.

Chairman Hickey read a telegram from Zane S. Miles of Elko, a copy of which is attached as Exhibit B.

Mr. Westergard said he had indicated previously his position regarding A.B. 724 and the suggested amendments did not change his position. He said the basic question was whether the Legislature can find a way to tell the BLM that they cannot file under state procedures. It was his opinion that the Nevada State Water Law has stood the test of many years and if some permits to BLM have to be issued, perhaps safeguards could be written into the approval. Mr. Westergard does not believe the state can tell the Federal Government that it is in a class by itself and it cannot comply with state procedures. Mr. Mann again agreed with Mr. Westergard's opinion.

COMMITTEE ACTION

A.C.R. 39 - Mr. Dini moved Indefinitely Postpone. Seconded by Mr. Mann and unanimously carried.

A.B. 745 - Mr. Marvel to prepare amendments.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Jane Dunne
Assembly Attache

A.B. 724 - ENGROSSED WITH
PROPOSED AMENDMENTS
April 23, 1979

The People of the State of Nevada, represented in Senate
and Assembly,

do enact as follows:

1 SECTION 1. NRS 533.070 is hereby amended to read as
2 follows:

3 533.030 1. Subject to existing rights, all such
4 water may be appropriated for beneficial use as pro-
5 vided in this chapter and not otherwise. The State
6 Engineer shall not take action to approve or reject
7 an application by the United States to appropriate
8 the public waters of the State of Nevada until the
9 Nevada Tax Commission shall have given its consent
10 pursuant to NRS 328.030 to 328.150, inclusive.

11 SEC. 2. NRS 328.030 is hereby amended to read as fol-
12 lows:

13 328.030 Consent may be given for acquisition of land,
14 water rights by the United States: Reservation of cer-
15 tain rights.

16 1. The consent of the State of Nevada to the acquisi-
17 tion by the United States of America of any land or
18 water right or interest therein in this state, includ-
19 ing acquisitions of water rights appropriated pursuant
20 to NRS chapters 533 and 534, [except lands or water
21 rights located within the boundaries of established and
22 existing national forests, desired for any purpose
23 expressly stated in clause 17 of section 8 of article I
24 of the Constitution of the United States,] may be given
25 by concurrence of a majority of the members of the
26 Nevada tax commission, upon finding that such proposed
27 acquisition and the method thereof and all other matters

1.

EXHIBIT A

1 pertaining thereto are consistent with the best inter-
2 ests of the state and conform to the provisions of NRS
3 328.030 to 328.150, inclusive.

4 2. The consent of the State of Nevada in accordance
5 with the principles set forth in subsection 1, and sub-
6 ject to the limitations and restrictions of NRS 328.030
7 to 328.150, inclusive, may also be given by concurrence
8 of the majority of the members of the Nevada tax commis-
9 sion in cases where privately owned or state-owned real
10 property is desired by the United States for reclamation
11 projects, flood control projects, protection of water-
12 sheds, rights-of-way for public roads and other purposes.
13 The consent of the State of Nevada to any acquisition
14 pursuant to this subsection is subject to and the state
15 does hereby reserve the right of taxation to itself and
16 to its municipal corporations and taxing agencies, and
17 reserves to all persons residing upon such land all
18 political and civil rights, including the right of suf-
19 frage.

20 Sec. 3. This act shall become effective upon passage
21 and approval.

EXHIBIT A

Western Union
Telegram

**** REA083(1435)(4-038344E108)PD 04/18/79 1434

ICS IPMNTZZ CSP

7027383171 TDMT ELKO NV 97 04-18 0234P EST

PMS SERGEANT AT ARMS

ASSEMBLY LEGISLATIVE BLDG

CARSON CITY NV

TO CHAIRMAN HICKEY, MEMBERS, ASSEMBLY AGRICULTURE COMMITTEE INVOLVED
TRIAL ELKO. WEATHER MAY PROHIBIT AIR TRAVEL CARSON TO APPEAR YOUR
HEARING TODAY AB724. IF CANNOT APPEAR, PLEASE SUBMIT LEGAL
MEMORANDUM RE BLM-NEVADA WATER SITUATION PRESENTED YOUR ELKO VISIT,
AS MY TESTIMONY. FURTHER, PLEASE PLACE ON RECORD MY FIRM BELIEF THAT
STATE ENGINEER CANNOT, REPEAT CANNOT, REFUSE TO ISSUE PERMITS
REQUESTED BY BLM IF EXISTING LAW SATISFIED. IF STATE ENGINEER SHOULD
REFUSE BLM COULD OBTAIN WRIT OF MANDAMUS FORCING ENGINEER TO GRANT
WATER RIGHTS. PLEASE NOTIFY RE DATE YOUR NEXT HEARING AB724 AND WILL
ATTEND. SINCERE REGARDS

ZANE S MILES, ESQUIRE ELKO NV
NNNN

EXHIBIT B

60TH NEVADA LEGISLATURE
ASSEMBLY AGRICULTURE COMMITTEE
LEGISLATIVE ACTION

Date April 25, 1979

Subject A.C.R. 39

MOTION:

Do Pass Amend Indefinitely Postpone Amend & Do Pass

Moved by Mr. Dini Seconded by Mr. Mann

AMENDMENT:

Moved by _____ Seconded by _____

AMENDMENT:

Moved by _____ Seconded by _____

	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
NOTE: Chaney	Absent	_____	_____	_____	_____	_____
Dini		_____	_____	_____	_____	_____
Fielding		_____	_____	_____	_____	_____
Getto		_____	_____	_____	_____	_____
Hickey		_____	_____	_____	_____	_____
Mann		_____	_____	_____	_____	_____
Marvel		_____	_____	_____	_____	_____
Price		_____	_____	_____	_____	_____
Tanner		_____	_____	_____	_____	_____
TALLY:	<u>8</u>	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

AMENDMENT: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED: Passed _____ Defeated _____

Attached to Minutes of April 25, 1979