

PRESENT:

Chairman Jeffrey
 Vice Chairman Redelsperger
 Assemblyman Dini
 Assemblyman Kovacs
 Assemblyman Mello
 Assemblyman Polish
 Assemblyman Schofield
 Assemblyman DuBois
 Assemblyman Rhoads

OTHER PRESENT:

Mr. Jac Shaw
 Mr. George Tackett
 Mr. Lyle Campbell
 Mrs. Lyle Campbell
 Mr. Duane Sudweeks
 Mr. Jack Stonehocker
 Mr. Noel Clark

The meeting was called to order by Chairman Jeffrey at 3:06 P.M. He called for testimony on AB 166.

AB 166

Permits state to apply to Federal Government for transfer of public domain to state.

Assemblyman Dean Rhoads was the first to testify. He stated that this is legislation each state must have in law if the two bills that were submitted in Congress last year, HR 78737 and Senate Bill 1680, both of which will be reintroduced under different numbers. AB 166 has no impact at all until the aforementioned bills that Congress has approved. He stated that SJR 17 also deals with this subject matter and he felt that any action on AB 166 should be held until SJR 17 was heard. He stated that the opposition to AB 166 was primarily based upon the question of whether or not Nevada could handle these lands if they were transferred to the State. It is his feeling that AB 166 would lay the groundwork to qualify such lands for transfer, and that it would indicate to the Federal Government that Nevada is able to accept the responsibility of these land transfers. It could certainly add an incentive to pass land transfers without legislation, just regulations and administration. Mr. Rhoads stated that the meeting he had with Senator Laxalt and Secretary Watt was very encouraging and that because of the recent election it is gaining even more momentum. There are 14 states that have either passed legislation or are considering it at the present time. This particular bill, if passed, will be the first and will set up the machinery that will be required if the Congress passes any legislation regarding this matter.

Mr. Jac Shaw, Division of State Lands, was next to testify. He stated that there are two pieces of legislation that Secretary Watt is asking for on Wild Horses, Burros, and Wilderness, and then there are two more things that he feels are also very important. Secretary Watt announced that he is going to try to override the court order that demanded the range environmental impact statements that have been so disastrous to the ranching element in the West, and then he asked all of the Western Governors to get together with their local communities within the next 60 days, and determine what lands they would like

Date: Tuesday - March 17, 1981

Page: 2 of 6

to have released around the rural areas for expansion.

At this time he went through AB 166 covering those parts that were especially good and some of the parts of the bill that may need amending. Section 9, he stated, is especially important to the passage of any Congressional action. In Section 10, he stated that national legislation demands a land commission. At this point he noted that Nevada is the only western state that does not have a land commission, the reason for this being that Nevada doesn't have any land. This commission has considerable merit and after working with the other western states it is apparent to him that a strong policy commission made up of elected officials, rather than department heads would be a more effective way to go.

It is Mr. Shaw's feeling that a strong three man board would be more effective than four department heads plus an appointive position by the Governor. If, and when, this bill is passed it will replace AB 14. He pointed out on Page 4, Subsection 3 of Section 15, line 39, an important feature of the bill, in that all the mineral rights be reserved. Subsection 4, line 43 provides access. He feels that the amended SJR 17 and this section should be particularly compatible. Regarding Section 18, on page 5, he felt that the word "dispose" should be deleted perhaps better wording would be "may grant the use of". Mr. Mello felt at this point the use of the word "dispose" is correct. Mr. Rhoads agreed with Mr. Shaw in that the word "dispose" indicated that as soon as got title to these lands we would be disposing of them. Disposing sometimes meaning leasing but it certainly didn't sound the same.

Chairman Jeffrey commented that when you are talking about a 99 year lease, you are for all practical purposes, disposing of the land.

Assemblyman Rhoads felt that the committee should explore other possible terminology in this section.

Assemblyman Redelsperger referred at this time to page 5, line 20, Section 17, regarding the two-thirds vote of the members elected of each house. Assemblyman Rhoads stated that this section will be amended out. However, Mr. Shaw stated that the reason for the two-thirds was because this is an actual sale of lands that weren't in the general reservations. They weren't for community expansion, or for public recreational purposes, but for odd pieces of land. It is the feeling that it could require a stronger majority because the opportunity is there for a lot of little pieces to become available, and this requires a stronger vote. However, it is his feeling this will be amended in SJR 17.

Assemblyman Rhoads explained that SJR 17, if passed, would heavily amend Section 17 of AB 166, making it compatible with SJR 17. Mr. Rhoads said Section 17 was the only section that pertained to SJR 17 and that the committee could go on with the rest of the bill.

At this time Assemblyman Dini Stated that the terminology used on lines 16 and 17 stating that "for the purpose of efficient management if the land the land parcel is small, isolated and in no case larger than 640 acres", would eliminate most of the small ranches in the state.

300 acres is sometimes a large ranch in Nevada. Also, "difficult and uneconomic to manage", he wondered who would be making the determination as to whether it is uneconomical to manage. Mr. Dini wondered where the general public is protected from someone playing games with the management of these lands.

Assemblyman Rhoads explained that the original Sagebrush Rebellion bill AB 413*, stated that (1) the local county authorities in the area have to make a recommendation that the land in question is sold, the review committee has to approve it, the legislature has to approve it, and the Governor can veto it. He stated that he has found that a subdivider could come into Nevada put up a lot of money and elect a lot of people into this legislature and thus decide they were going to subdivide half of our state. Because of this they felt they should lock into our state constitution that only certain classifications of land should be sold. It is his understanding that the issues that are being discussed now only effect that 3% of the land or less.

Mr. Shaw stated that in his opinion the restrictions are very tight on sale, then if SJR 17 is accepted, it would amend the State Constitution, but at the present time in this bill you are in (a) for expansion of cities and towns, (b) for agricultural purposes, and (c) for the purpose of efficient management of isolated tracks of land. He stated that all of these pieces of legislation have the legislative approval as mandatory, which makes them very strong. Mr. Shaw stated that this bill would also speak to the question of leasing land and providing access to it, on Page 3, line 18 "the commission shall hold the public lands pursuant to this Federal Act through the division manage those lands in the manner and for the purpose imposed as a condition of granting the lands for recreation, grazing, mining, forestry, the preservation of historic sites, antiquities, artifacts, wilderness, conservation of water and wildlife and to effect the greatest number of uses of the lands as determined." Access is spoken to on Page 4, Subsection 4, line 43, this access is related to patented lands. Section 12 is the section that should address access on public lands but it was felt by the members of the committee this section wasn't clear and should deal more directly with access. Mr. Shaw stated that he felt when lands were leased there should always be access. He feels that if clarification is needed it could be added in Section 18, to completely clarify the multiple uses, and access thereof.

The next part of the bill that Mr. Shaw addressed himself to was Section 21, he would like to see this section broadened. He feels that language should be added to include general exchanging authority of the checkerboard lands belonging to the railroad. It has become more apparent at the federal level, local level, even in the Santini-Burton Bill that exchanges are a good way to block the isolated areas so they wouldn't have to be sold. It is his opinion that exchanging is a good process to use in helping to manage the lands.

Section 22 deals with how the proceeds from the public lands would be utilized and the same problem occurred in SJR 17. As it now reads all proceeds after management costs have to go to the permanent school funds. The intent of this is that the sale of any land should go to the permanent school fund, but the receipts from the produce of the lands, whether it is an unrenovable or renewable resource should be used

by the state in its general manner. It is his feeling that the sales of the land should go to the state school fund and other income should go into the general fund. It was his suggestion that perhaps the legal division should look at this section perhaps amending it.

Regarding Section 23, line 24, he feels that this whole paragraph should be deleted. He feels this section is burdensome to the state personnel and to the state government as a whole. He said that these people will be the first to be considered but that the word "preference" is a bad choice.

Mr. Noel Clark, of Nevada Department of Energy, Duane Sudweeks, Administrator of the Colorado River Resources Division, and Mr. Jack Stonehocker, also of that division were next to testify. Mr. Noel Clark testified first and stated that this bill is very important and they support it, however there are a few problems they would like to point out. It is his feeling that if in the event this action takes place the State will be confronted with a rather ominous job. With the current budget of the existing departments as they are called upon here to function are totally inadequate to do the job. He explained that they feel there should be a commission developed, with an executive director, with authority to go to the Interim Finance Committee for the sufficient funds to be put into effect immediately. He also called to the attention of the committee a clerical error on the second page of the bill regarding "Bureau of Reclamation", stating that there is no such agency any longer. This is referred to on line 17, Page 2.

At this time Mr. Sudweeks spoke to the committee regarding the proposed amendment to AB 166. A copy of his written testimony is attached hereto and marked EXHIBIT "A". A copy of the proposed amendment to AB 166 which is attached hereto and marked EXHIBIT "B". Mr. Sudweeks's testimony stated that it was their position that they generally supported AB 166 if accepted with their proposed amendment.

Mr. George Tackett, Administration Manager of Public Affairs for Nevada Bell, was next to testify regarding AB 166. His written testimony is attached hereto and marked EXHIBIT "D" he also offered a possible amendment to AB 166 which is attached hereto and marked EXHIBIT "C". He stated that their position was neither to support or oppose but to offer this proposed technical amendment which will allow the public land commission, created by this bill, to include public and private utilities among those authorized to be granted easement or right-of-ways in Section 19.

Mr. Lyle Campbell, representing himself was next to testify, and he referred to Page 5, Line 22, Subsection 3 of Section 17. He stated if this language remained in the bill it would preclude anyone but a wealthy person from buying land and this section should be completely deleted from the bill.

There was considerable discussion regarding Mr. Campbell's remarks. Jac Shaw stated at this time on land sales where land is sold at the highest bid that they don't have to have it any particular length of time, thus enabling a wealthy person to have someone front for him and purchase it then resell it and make a profit. Under 0135 Subsection B, Line 11, Page 5, on agricultural lands development,

homestead, etc., getting desert land into agricultural production through irrigation, a process would have to be developed, either using our existing Carrie Act or amend it to develop a process for people to make irrigated agricultural land out of desert arid and. The other pieces of land are covered adequately under the law.

At this time Chairman Jeffrey called for additional testimony on AB 166, there being none, public testimony was closed.

Chairman Jeffrey then called for testimony on AB 175.

AB 175

Adds provision for administration of public lands so as to preserve lands of archeological significance.

Assemblyman Rhoads was the first to testify. The main reason for this bill was that when the original AB 413* was passed it set up a review committee which is listed in the bill in two different categories, people in all parts of the state according to testimony felt that people should be in this area to protect archeological value and significance on the public lands. He felt that there was some question as to the need for two people. Whether we need a person to represent museums and history and the division of historic preservation both, is up for discussion. He stated that they realized when they passed this bill they had left another very important department off and that being the Department of Wildlife.

Another bill coming up, AB 222, and it is his feeling the two bills could possibly be combined.

Although this does call for another department and another branch of government being involved it is the feeling of alot of people that these type of sites need additional protection.

Chairman Jeffrey asked what the difference between the two administrators is. Mr. Rhoads also questioned the need for two and since Assemblyman Hayes was not present, as sponsor of this bill he could not answer that question for her.

Mimi Rodden, came forward at this time, in the hopes of answering this question. She stated that at present she is the administrator to Historic Preservation and Archeology. She stated that the administrator to the Department of Museums and History bears the title of Administrator but is actually the Director and this is a matter of semantics that never has been corrected. When the department of museums and history was created and the administrator to the Division of Historic Preservation within Conservation and Natural Resources, it is exactly that, the administrator to a division within a department. Mr. Jeffrey stated that one deals with museums and the other with conservation and preservation.

Chairman Jeffrey called for further testimony on AB 175 at this time.

Mr. Jac Shaw, division of State Lands, stated that he would like to point out that this board of review will basically be eliminated

0136

if and when the State gets any of these Federal lands. If a land commission is formed this board would be eliminated this is in existence under AB 413* to basically police the state land registrar's actions during the mandates that were given under AB 413* therefore his division does not object and does feel that the department of Wildlife should be included. He stated that in Section 10, Page 2, Subsection 1, line 35 and 36 this mandates that the board of review will get for approval, any recommendations of management methods that his division proposes. At present the board of review only has a say over regulations that are to be adopted. Management policies that are developed aren't mandated so he thinks that the two lines on Page 2 are good. He feels that it is important to realize that this is an interim issue and if and when we get land either through the courts or through the congressional action this would be eliminated.

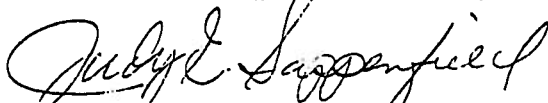
Mimi Rodden, Administrator to Historic Preservation and Archeology within the department of Conservation and Natural Resources was next to testify. She stated that she would like to speak on behalf of this piece of legislation and agrees with the committee that a large board is unweilding however, given the concerns expressed by some of the people of the State of Nevada concerning the Sagebrush Rebellion and the possible takeover of these Federal Lands this group of people would best, for the interim period only, represent the largest number of people within the state of Nevada.

Lyle Campbell, stated that he is in support of this bill.

There being no further testimony regarding AB 175 the public hearing on this matter was closed.

There being no action on any of these bills and there being no further business before the committee at this time, the meeting was adjourned at 4:40 P.M.

Respectfully submitted,


Judy E. Sappenfield
Committee Secretary

*From 1979

0137

DEPARTMENT OF ENERGY

DIVISION OF COLORADO RIVER RESOURCES

Testimony Regarding Assembly Bill No. 166 -

Assembly Committee on Economic Development and Natural Resources

March 17, 1981

Mr. Chairman and Committee Members, I am Duane Sudweeks, Administrator of the Division of Colorado River Resources. With me is Jack Stonehocker, Deputy Administrator of the Division. We are here today to provide testimony supporting the exclusion of the Eldorado and Fort Mohave Valleys from the provisions of Assembly Bill No. 166. You have been handed a proposed amendment to Assembly Bill No. 166 which accomplishes that exclusion.

By way of background, the Federal Government presently owns the land just south of Boulder City, known as the Eldorado Valley. On March 6, 1958, the 85th Congress approved Public Law 85-339, which gave the State of Nevada the option to purchase approximately 105,000 acres of that land upon compliance with the terms thereof. The 1957 Session of the Nevada Legislature enacted legislation which provided authorization to acquire that land, and designated the responsibility for securing the valley to the Colorado River Commission, now known as the Division of Colorado River Resources.

Exhibit "A"

In March 1968 the Colorado River Commission, with the advice of the Eldorado Valley Advisory Group, submitted an Application to the Secretary of the Interior for transfer and conveyance of these lands in accordance with the terms of Public Law 85-339. To date, no acceptance of the Application has been received from the Secretary of the Interior. Once the Secretary approves our Application for transfer, the Division, acting on behalf of the State of Nevada, will have one year in which to initiate the purchase of the 105,000 acres at the original appraised value of \$1,233,100.

In light of the specifics enumerated within the Federal Act as well as the authorization existing in State statutes, the Division feels it prudent that the terms of the present application are not disturbed.

Secondly, the Federal Government made available to the State of Nevada 15,000 acres just south of Laughlin, Nevada presently known as the Fort Mohave Valley Development Area. This was outlined under the provisions included in Public Law 86-433 which was approved on April 22, 1960. The 1959 Session of the Nevada Legislature approved legislation to acquire these lands and the statutory responsibility for this acquisition was also delegated to the Division.

To date, the State of Nevada has acquired 6,000 acres of the lands available to the State in accordance with the terms of the aforementioned Public Law. We are presently negotiating with the Federal Government for acceptable

0139

final terms and conditions in order to complete the purchase of the remaining lands.

The commitments for transfer of both valleys were made contingent upon adherence to specific plans of development submitted by the State of Nevada. Any subsequent transfers of these lands are contingent upon adhering to the approved plans of development.

The intended purpose of Assembly Bill No. 166 relative to transfer from Federal ownership has already been accomplished in the case of Eldorado and Fort Mohave Valleys. Any departure from the legislatively mandated procedure would require that amendments be made to all State and Federal laws governing the transfer and administration of these lands. The result of such action could have an adverse impact on the terms and conditions set forth in the original acts. Therefore, we would strongly urge the adoption of the proposed amendment in order to exclude the aforementioned lands from the provisions of Assembly Bill No. 166.

If you have any questions, we will be happy to address them.

PROPOSED AMENDMENT TO ASSEMBLY BILL NO. 166

Add the following subsection 6 to Sec. 8 of Assembly Bill No. 166 after line 19 on page 2:

6. Which are described in The Eldorado Valley Act, Public Law 85-339, as amended (The Eldorado Valley Development Law, NRS 321.390 to 321.470, inclusive); and The Fort Mohave Act, Public Law 86-433, as amended (The Fort Mohave Valley Development Law, NRS 321.480 to 321.536, inclusive).

Exhibit "B"

AMENDMENT TO NEVADA ASSEMBLY BILL NO. 166

3/10/81

Amendment No. 1

On page 5, line 48 after "association"
insert: "or a publicly or privately owned public utility"

3/3/81

Exhibit "C"

0142

AMENDMENT TO NEVADA ASSEMBLY BILL NO. 166

Amendment No. 1

On page 5, line 48 after "association"
insert: "or a publicly or privately owned public utility"

3/3/81

0144

AMENDMENT TO NEVADA ASSEMBLY BILL NO. 166

Amendment No. 1

On page 5, line 48 after "association"
insert: "or a publicly or privately owned public utility"

3/3/81

C145

AMENDMENT TO NEVADA ASSEMBLY BILL NO. 166

Amendment No. 1

On page 5, line 48 after "association"
insert: "or a publicly or privately owned public utility"

3/3/81

0146

MR CHAIRMAN AND COMMITTEE MEMBERS,

FOR THE RECORD, MY NAME IS GEORGE TACKETT, ADMINISTRATION
MANAGER PUBLIC AFFAIRS FOR NEVADA BELL. I AM HERE TODAY NEITHER
TO OPPOSE OR SUPPORT A.B. 166.

I WISH ONLY TO OFFER A TECHNICAL AMENDMENT, WHICH WILL ALLOW
THE PUBLIC LAND COMMISSION CREATED BY THIS BILL, TO INCLUDE
PUBLIC AND PRIVATE UTILITIES AMONG THOSE AUTHORIZED TO BE GRANTED
EASEMENTS OR RIGHT-OF-WAYS IN SECTION 19.

THIS AMENDMENT WOULD INSERT "OR PUBLICLY OR PRIVATELY OWNED
PUBLIC UTILITY" AFTER "ASSOCIATION" ON LINE 48, PAGE 5. THIS IS
NECESSARY TO CREATE NEW PUBLIC UTILITY EASEMENTS TO PROVIDE UTILITY
SERVICE, ESPECIALLY IN NEVADA WHERE LARGER PARCELS OF LAND ARE
UNDER GOVERNMENT JURISDICTION AND MUST BE ASSESSED.

THANK YOU FOR ALLOWING ME THIS OPPORTUNITY TO EXPRESS MY
VIEWS.

Exhibit "D"

0143

GUEST LIST

Tuesday
Date: March 17, 1981

ECONOMIC DEVELOPMENT AND NATURAL RESOURCES

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK		
		FOR	AGAINST	BILL
Jac R Shaw	State lands	<input checked="" type="checkbox"/>		166
<hr/>	<hr/>	<input checked="" type="checkbox"/>		175
Duane E. Sedwicks	Dpt of Energy		<input checked="" type="checkbox"/>	166
Noel Clark	" "		<input type="checkbox"/>	166
Jack Stonebacker	" "		<input type="checkbox"/>	166
DEAN A. Rhoads	ASSEMBLY MAN	<input checked="" type="checkbox"/>		166

55