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MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 16, 1981

The Senate Committee on Natural Resources was called to order by Chairman Glaser at 1:30 P. M., Monday, March 16, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Norman Glaser, Chairman
Senator Wilbur Faiss, Vice Chairman
Senator James H. Bilbray
Senator Lawrence E. Jacobsen

COMMITTEE MEMBERS ABSENT:

Senator Floyd R. Lamb
Senator Joe Neal

GUEST LEGISLATORS PRESENT:

Senator Thomas R. C. Wilson
Assemblyman Dean Rhoads

STAFF MEMBERS PRESENT:

Robert E. Erickson, Senior Research Analyst
Carolyn L. Freeland, Committee Secretary

Chairman Glaser outlined the agenda for the meeting. He said Assemblyman Dean Rhoads would discuss the following resolutions at one time as he had to be present at a meeting on the Assembly side within a short time.

Assembly Joint Resolution No. 10 and Assembly Joint Resolution No. 15

Assemblyman Rhoads said Assembly Joint Resolution No. 10 came from the Access Interim Study made last year, and received a great deal

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of interest. There are a number of possibilities for access, but there has been a lack of cooperation between the Bureau of Land Management and the United States Forest Service; Mr. Rhoads said neither agency has had sufficient funds to act, and in addition, access to them is not a high priority. Access could have been put into areas if there had been better cooperation from the federal government and federal land agencies. He said such cooperation and a better incentive to private land owners to open up their lands would result in more access to the lands involved.

In referring to Assembly Joint Resolution No. 15, Mr. Rhoads said it has been the policy of the wilderness review, after areas had been rejected, to continue to manage these areas as single use, tying up great portions of land in Nevada. This resolution suggests to the administration that as soon as lands are dropped out of wilderness classification they be put into the multiple use concept. Mr. Rhoads feels it would be very helpful, in view of the attitude now displayed by the Secretary of State in Washington, for states to send resolutions such as this one to the Secretary to reinforce his position of opening up federal lands to some extent.

Senator Bilbray questioned the language "federal land" in one resolution and "public lands" in another, asking if they should not all be referred to as "public lands." Mr. Rhoads replied "federal" refers to all lands, whereas the resolution referring to the wilderness resolution refers only to Bureau of Land Management Lands, and in this context, the language is correct.

Senate Bill No. 347

Senator Wilson briefly explained the three changes made in this bill and why they are necessary, noting during the Special Session in September, 1980, there was record made of two errors which both California and Nevada acknowledged to be errors, material having been inadvertently omitted from the California bill. At that time, both states intended to process, by separate amendment, corrections to the bill. Senate Bill No. 347 carries out that intention. On page 7, line 8, there was a typographical error, referring to sub division "H" when it should have been "J." On page 13, line 16, the number of 339 residential units was originally given, and the correct number is 529 such units. Both states had agreed to amend the Compact by the insertion of the correct figure. On page 21, line 47, two words "or gaming" were dropped from the California draft while going through the bill drafting process, and they should have been included. Senator Wilson said these are corrective changes only and the only modifications in the bill.

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Senator Wilson said the bill is obviously not intended to invite further amendments to the bi-state Compact. These amendments are purely remedial.

As there was no further testimony, the hearing on Senate Bill No. 347 was concluded.

Assembly Joint Resolution No. 10 and Assembly Joint Resolution No. 15

Mr. Jac Shaw, Director of State Lands, supports these resolutions and said they are vitally important. Referring to Assembly Joint Resolution No. 10, he said there have been problems of access when there is a change in land control, and prioritizing at the federal level does need encouragement. He added this resolution addresses other federal lands in addition to the areas under the direction of the Bureau of Land Management, and land which will remain in federal hands even if the Sagebrush Rebellion is victorious.

Commenting on Assembly Joint Resolution No. 15, Mr. Shaw said with the change in the national administration and its policies, there is going to be a move to amend the Wilderness Act, taking Congressional action. If the state legislature will push for such Congressional action, that push will carry weight, and the state should see some relief.

Mr. Bryce Wilson, Nevada Association of Counties, endorsed the testimony previously given, and supports these resolutions.

Mrs. Diane Campbell, Nevada Miners and Prospectors Association, supports Assembly Joint Resolution No. 10. Referring to Assembly Joint Resolution No. 15, she said it is good bill but there has been an omission, the determination of a wilderness study area even if it contains roads. She feels that an area cannot and should not be even considered for such a study if that area contains roads, as the presence of roads within the area precludes it from ever being a wilderness. She feels this problem should be considered in the resolution.

Chairman Glaser replied that concept is somewhat different than the thrust of Assembly Joint Resolution No. 15, and should be considered in a separate resolution. He added two years ago, the Legislature had addressed this problem, asking the federal government to be more selective in what it considered wilderness.

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Chairman Glaser turned the gavel over to Vice Chairman Faiss, as he had to testify at another committee hearing.

Senate Bill No. 343

Mrs. Campbell, testifying as a private citizen, read a prepared statement into the record (Exhibit C). She asked for an amendment to the bill; page 1, line 9, delete the words "more than 5 miles from" and insert the word "outside." Mrs. Campbell feels this change would enable persons to utilize agricultural land only two or three miles from an urban area.

Mrs. Campbell is in full support of this bill. She said when lands do become available to the state from the federal lands, those persons not possessing large capital resources would be able to purchase land to achieve a degree of self-sufficiency, under the terms of this legislation.

Senator Faiss asked if the amendment suggested would make it easier for an ordinary citizen to file and receive the land. Mrs. Campbell replied it would do so. She added this is a responsible law and addresses a matter which was omitted from the Sagebrush Rebellion law, i.e., a person is already required to have a piece of land in order to acquire another piece of the released public lands.

Senator Faiss asked if there were sufficient safeguards in the bill to preclude large corporations from gaining title to large areas. Mrs. Campbell said this bill, together with the Sagebrush Rebellion legislation, is to be tied to the State Constitution, and so together, they do achieve that end.

Mr. Lyle Campbell, speaking as a private citizen from Pershing County, supports this bill but would request some changes in addition to the one mentioned above. On page 1, line 11, the words in italics would conflict with NRS 326.010. He would like this sub section deleted. In addition, on page 2, line 7, he would like to add after the words "owned by this state," the words "and occupied pursuant to NRS 326.020 through NRS 326.050 for five years or more."

Mr. Harry Swainston, Deputy Attorney General, said he was not testifying for or against this bill. He presented a brief history of the act, saying the original purpose was to give effect to some federal preemption acts, passed in the early 1800's and finally repealed in entirety in 1891. He said Senate Bill No. 343 is in

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effect a territorial law, allowing certain benefits to settlers of the latter part of the nineteenth century. He feels the bill is not applicable in present-day circumstances. He also added this bill has no applicability under federal law. In addition it is Mr. Swainston's opinion there would be some problems with this chapter as it, in effect, conflicts with some bills which are presently before the legislature as to how lands which belong to the state may be sold or otherwise allocated.

Senator Faiss asked Mr. Swainston if, in actuality, this bill would be a state homestead statute, and Mr. Swainston replied in the affirmative.

The Chairman asked Mr. Swainston if he could foresee any problems if this bill became law. Mr. Swainston replied the legislation could conflict with certain aspects of the Sagebrush legislation now under consideration, and could perhaps jeopardize its success due to a certain amount of inherent consistency present.

Mrs. Campbell added the law has been in continual usage, which proves its creditability, and the state should recognize its own law.

There was no further testimony and the meeting was adjourned at 2:30 P. M.

Respectfully submitted by:



Carolyn L. Freeland, Secretary

APPROVED BY:



Senator Norman D. Glaser, Chairman

DATE: March 17, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Natural Resources, Room 323.

Day Monday, Date March 16, Time 1:30 PM

S. B. No. 343--Establishes limitations relating to possessory claims to public lands and authorizes purchase.

A. J. R. No. 10--Encourages Federal Government to build and maintain routes of access upon federal land.

A. J. R. No. 15--Memorializes Congress to provide for return to multiple use of public lands dropped from consideration as wilderness.

S. B. 347--Corrects errors made in amendment of Tahoe Regional Planning Compact.

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON NATURAL RESOURCES

DATE: March 16, 1981

EXHIBIT B

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

| | | |
|-------------------------|--|-----------------|
| <i>W. P. [unclear]</i> | <i>State [unclear]</i> | |
| <i>Miss Campbell</i> | <i>Board of [unclear] Pershing Co</i> | <i>273-2173</i> |
| <i>John [unclear]</i> | <i>[unclear]</i> | |
| <i>James [unclear]</i> | <i>Deputy Attorney General, State of NC.</i> | |
| <i>George [unclear]</i> | <i>Assoc to Save the Tobacco from League to Save the Tobacco</i> | |
| <i>Ray [unclear]</i> | <i>NC Assoc of Counties</i> | |

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Natural Resources

March 16, 1981

SB 343

EXHIBIT C

Senators:

My name is Diane Campbell. I live in Lovelock Nevada. I would like to testify as a private citizen.

The towns of Lovelock and Unionville were founded on Possessory Claims. This law (NRS 326) has been in use from 1865 till the present date. We have fifteen separate persons paying taxes to Pershing County on their possessory claims. There are also possessory claims in Humboldt, Lander and Elko counties.

SB 343 is an amendment, to NRS 326 and NRS 321, to further protect the lands in our State from exploiters of all types.

As our state expands her tax base by converting potential agricultural lands into producing private lands, I would like to see more common people have the opportunity to become self-sufficient without first being rich.

In the future as the State receives control of more of her public lands I feel this law should be kept strong for the use of her citizens to be used as it was designed, for agriculture or grazing.

This bill along with provisions being made in another bill (SJR 17) the State can maintain complete control over potential Land Grabbers.