

SENATE JOINT RESOLUTION NO. 7—SENATORS ROBERSON, GOICOECHEA, SETTELMEYER, KIECKHEFER, GUSTAVSON; GANSERT, HAMMOND, HARDY AND HARRIS

FEBRUARY 27, 2017

JOINT SPONSORS: ASSEMBLYMEN WHEELER, OSCARSON, HANSEN, TITUS, ELLISON; PAUL ANDERSON, EDWARDS, HAMBRICK, KRASNER, MARCHANT AND PICKARD

Referred to Committee on Natural Resources

SUMMARY—Urges Congress to enact legislation transferring title to certain public lands to the State of Nevada. (BDR R-841)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted material]** is material to be omitted.

SENATE JOINT RESOLUTION—Urging Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force.

1 WHEREAS, The Federal Government manages and controls over
2 80 percent of the land in this State; and

3 WHEREAS, The paucity of state and private land in the State of
4 Nevada severely constrains the size and diversity of the State's
5 economy; and

6 WHEREAS, In Section 10 of Chapter 36 of the 38th Congress,
7 the Act enabling the formation of a constitution and state
8 government in the territory of Nevada, Congress directed the
9 Federal Government to pay to the State of Nevada, upon admission,
10 a portion of the proceeds from the sale of public lands in the State;
11 and

12 WHEREAS, In all states east of the State of Colorado, the Federal
13 Government controls 4 percent of the land; and



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1 WHEREAS, In the States of Alaska, Arizona, California,
2 Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah,
3 Washington and Wyoming, the Federal Government still controls a
4 significant amount of public lands; and

5 WHEREAS, A July 2014 report prepared by the Nevada Land
6 Management Task Force pursuant to Assembly Bill No. 227 of the
7 77th Nevada Legislative Session concluded that the State of Nevada
8 could generate significant net revenue if afforded the opportunity to
9 manage an expanded state land portfolio; and

10 WHEREAS, The Nevada Land Management Task Force
11 concluded in the report that a Congressional transfer to the State of
12 Nevada of certain federally administered land should be
13 accomplished in phases; now, therefore, be it

14 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
15 NEVADA, JOINTLY, That the members of the 79th Session of the
16 Nevada Legislature hereby urge Congress to enact legislation
17 transferring title to certain public lands to the State of Nevada in
18 accordance with the report prepared by the Nevada Land
19 Management Task Force; and be it further

20 RESOLVED, That any such legislation should exclude the
21 following lands from consideration for transfer:

22 1. Lands designated by Congress as wilderness;
23 2. Lands designated by Congress as National Conservation
24 Areas;
25 3. Lands designated by the Bureau of Land Management as
26 Areas of Critical Environmental Concern established to protect the
27 desert tortoise; and

28 4. Lands administered by:
29 (a) The United States Department of Energy;
30 (b) The United States Department of Defense;
31 (c) The Bureau of Indian Affairs of the United States
32 Department of the Interior;
33 (d) The United States Fish and Wildlife Service of the United
34 States Department of the Interior; and
35 (e) The National Park Service of the United States Department
36 of the Interior; and be it further

37 RESOLVED, That the following public lands should be included
38 in an initial phase for transfer to the State of Nevada:

39 1. All parcels of land, administered by the Bureau of Land
40 Management, which remain within the original Central Pacific
41 Railroad corridor along Interstate 80 in Northern Nevada;
42 2. All land previously identified by the Bureau of Land
43 Management as suitable for disposal, or currently moving forward
44 in planning documents for federal land use plans, that have not yet
45 been disposed of in the State of Nevada;



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1 3. All parcels of land in the State of Nevada, administered by
2 the Bureau of Land Management that is under existing lease
3 pursuant to the Recreation and Public Purposes Act;

4 4. All parcels of land in the State of Nevada, administered by
5 the Bureau of Land Management that is authorized under rights-of-
6 way granted to the State of Nevada and any political subdivisions of
7 this State, and nonlinear rights-of-way granted to private parties
8 within this State;

9 5. All subsurface estates managed by the Bureau of Land
10 Management, where the surface estate is privately held within this
11 State;

12 6. All land in the State of Nevada designated by the Secretary
13 of the Interior as Solar Energy Zones and held by the Bureau of
14 Land Management;

15 7. All parcels of land in the State of Nevada, administered by
16 the Bureau of Land Management that is leased for geothermal
17 exploration and utilization; and

18 8. All parcels of land in the State of Nevada, administered by
19 the Bureau of Land Management which has been authorized for
20 disposal within enacted and introduced federal legislation; and be it
21 further

22 RESOLVED, That the State of Nevada should be authorized to
23 select not less than 7.2 million acres from among the
24 aforementioned classes of land to be transferred during the initial
25 phase; and be it further

26 RESOLVED, That the public lands included in the initial phase
27 should be transferred to the State of Nevada by December 31, 2019;
28 and be it further

29 RESOLVED, That upon request by a local government or the
30 Nevada Legislature within 10 years after the initial phase, the
31 following public lands should be transferred in subsequent phases:

32 1. Other land in the State of Nevada administered by the
33 Bureau of Land Management;

34 2. Land in the State of Nevada administered by the United
35 States Forest Service;

36 3. Land in the State of Nevada deemed by the Bureau of
37 Reclamation of the United States Department of the Interior to be
38 surplus; and

39 4. Any other federally managed and controlled lands in this
40 State; and be it further

41 RESOLVED, That any such transfer of public lands to the State of
42 Nevada must include both the surface and subsurface estate and any
43 federally held water rights appurtenant to the land; and be it further



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1 RESOLVED, That the public lands included in the initial phase
2 must be managed for long-term maximization of net revenue; and be
3 it further

4 RESOLVED, That the public lands subsequently transferred must
5 be managed for on-going net revenue generation and environmental
6 health, function, productivity and sustainability; and be it further

7 RESOLVED, That payments to local governments to replace
8 revenue lost through reduced federal payments pursuant to the
9 Payments in Lieu of Taxes Act, 31 U.S.C. § 6901 et seq., will be
10 made by the State of Nevada from gross revenues derived through
11 the management of federal public lands transferred to the State of
12 Nevada; and be it further

13 RESOLVED, That payments to local governments to replace the
14 revenue which would otherwise be shared with local governments in
15 this State by the Bureau of Land Management from the sale of
16 materials, mineral leases and permits, grazing permits and other
17 revenues from public lands transferred to the State of Nevada will
18 be made by the State of Nevada from the gross revenues derived by
19 the State of Nevada from managing those public lands; and be it
20 further

21 RESOLVED, That the payments to local governments to replace
22 the revenue which would otherwise have been shared with local
23 governments in this State by the Office of Natural Resources
24 Revenue of the United States Department of the Interior from
25 royalties, rents and bonuses generated throughout the life of energy
26 and mineral leases on public lands transferred to the State of Nevada
27 will be made by the State of Nevada from the gross revenues
28 derived by the State of Nevada from managing those public lands;
29 and be it further

30 RESOLVED, That consistent with the Southern Nevada Public
31 Land Management Act of 1998, Public Law 105-263, 112 Stat.
32 2343, the Lincoln County Conservation, Recreation, and
33 Development Act of 2004, Public Law 108-424, 118 Stat. 2403, and
34 the White Pine County Conservation, Recreation, and Development
35 Act of 2006, Public Law 109-432, 120 Stat. 3028, 10 percent of the
36 proceeds of the sale of transferred land by the State of Nevada
37 which is identified in those Acts for disposal by the Bureau of Land
38 Management will be provided to the Southern Nevada Water
39 Authority, Lincoln County and White Pine County for uses
40 identified by each respective Act; and be it further

41 RESOLVED, That the following principles will guide the State of
42 Nevada in the management of transferred lands:

43 1. All transferred land will be subject to applicable State of
44 Nevada and local government statutes, regulations, ordinances and
45 codes;



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1 2. All transferred land will be subject to valid existing federal,
2 state and local government permits, land use authorizations, existing
3 authorized multiple uses, rights of access and property rights;

4 3. The administration and management, including, without
5 limitation, the disposal, of transferred land by the State of Nevada
6 must be subject to review by the governing board of any local
7 government within which public lands to be disposed of are located
8 for consistency with local master plans, resource management plans,
9 open space plans, land disposal lists, ordinances and land use
10 policies; and

11 4. Any costs incurred by the State of Nevada in administering
12 transferred land will be covered by gross revenue derived from
13 managing the land, and will not be passed on to any local
14 government; and be it further

15 RESOLVED, That any net revenue derived from the management
16 of transferred public lands must be deposited into a permanent trust
17 fund and held for the benefit of the following beneficiaries:

18 1. Public primary and secondary education;

19 2. Public higher education, including, without limitation, the
20 Nevada System of Higher Education;

21 3. Public specialized education;

22 4. Public mental and medical health services;

23 5. Social, senior and veteran services;

24 6. Public programs to preserve any species that is listed as, or
25 is a candidate species for listing as, threatened or endangered under
26 the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.; and

27 7. Local governments, to pay for any services and
28 infrastructure provided on transferred public lands; and be it further

29 RESOLVED, That the Secretary of the Senate prepare and
30 transmit a copy of this resolution to the Vice President of the United
31 States as the presiding officer of the United States Senate, the
32 Speaker of the House of Representatives and each member of the
33 Nevada Congressional Delegation; and be it further

34 RESOLVED, That this resolution becomes effective upon
35 passage.



