
ASSEMBLY BILL NO. 358—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE
AND MINING

(ON BEHALF OF NEVADA ASSOCIATION OF COUNTIES)

MARCH 2, 1999

Referred to Committee on Natural Resources, Agriculture and Mining

SUMMARY—Revises provisions governing procedures and standards to be followed if Federal Government submits application to State of Nevada for consent to use of public land. (BDR 26-521)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to public lands; revising the provisions governing the procedures and standards to be followed if the Federal Government submits an application to this state for consent to a use of public land; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 321.736 is hereby amended to read as follows:
2 321.736 1. Upon receipt of an application by the United States for
3 consent to a use of public land, ***including, without limitation, the***
4 ***exchange of public land for private land***, the state land use planning
5 agency shall give written notice of the application to the planning agencies
6 of the local governments ***affected*** within 1 week after its receipt of the
7 application.
8 2. Each planning agency so notified shall , within 45 days after the
9 notice is sent , hold a public hearing on the application at the place where
10 ~~the~~ ***the planning agency*** normally meets. If ~~the~~ ***any affected*** land is
11 located within the jurisdiction of two or more planning agencies, each of
12 those agencies ~~must~~ ***shall*** hold a hearing.

1 3. Each planning agency shall notify the public by publication in one
2 issue of a newspaper of general circulation published in each of the
3 counties in which ~~{the}~~ **any affected** land is located. The notice must be
4 published at least 20 days before the date set for the hearing and set forth a
5 description of ~~{the}~~ **all affected** land and the use for which consent is
6 sought as stated in the application. The cost of publishing the notice must
7 be borne by the United States or by someone in its behalf.

8 4. Each planning agency shall deliver its written recommendation on
9 the application, including the reasons for its recommendation, to the state
10 land use planning agency within 15 days after the conclusion of its hearing
11 on the application.

12 5. The application must contain such information and supporting
13 documents as are prescribed in regulations adopted by the state land use
14 planning agency and approved by the director of the state department of
15 conservation and natural resources.

16 **Sec. 2.** NRS 321.738 is hereby amended to read as follows:

17 321.738 1. The state land use planning agency shall hold a hearing
18 on an application for consent to **a use of** public land within 45 days after it
19 receives the written recommendation ~~{from the planning agencies.}~~ **of each**
20 **planning agency.** The state **land use planning** agency shall give notice of
21 its hearing as required by law. At its hearing the state **land use planning**
22 agency shall receive ~~{any}~~ **all** testimony pertaining to any use of the land
23 which is not repetitive and shall consider the written recommendation of
24 ~~{the}~~ **each** planning agency.

25 2. ***The state land use planning agency shall not recommend that the***
26 ***governor grant the consent of the state to a use of public land that will***
27 ***result in a reduction in the total assessed valuation of the real property***
28 ***within the jurisdiction of any affected local government unless:***

29 ***(a) The local government has consented to the reduction in the written***
30 ***recommendations of its planning agency that are submitted to the state***
31 ***land use planning agency pursuant to NRS 321.736; or***

32 ***(b) The reduction will be ameliorated by a payment made to the local***
33 ***government in lieu of property taxes or by any other terms acceptable to***
34 ***the local government.***

35 3. ***The state land use planning agency, to maintain the total assessed***
36 ***valuation of the real property within the jurisdiction of any affected local***
37 ***government may, as a condition of its recommending to the governor that***
38 ***he grant the consent of the state to a use of public land, require:***

39 ***(a) That any properties exchanged be located entirely within the***
40 ***jurisdiction of the local government;***

41 ***(b) That any properties exchanged be of equal value; or***

42 ***(c) Any other terms acceptable to the local government.***

1 **4.** The state *land use planning* agency shall deliver its written
2 recommendation on the application, including the reasons for its
3 recommendation to the governor within 15 days after the conclusion of its
4 hearing on the application.

5 **Sec. 3.** NRS 321.739 is hereby amended to read as follows:

6 321.739 1. The governor in deciding whether to grant or deny the
7 consent of the state to a use of public land shall:

8 (a) Balance the interests of the Federal Government and the state; ~~land~~

9 (b) *Consider the effect of the use on the total assessed valuation of the*
10 *real property within the jurisdiction of each affected local government;*
11 *and*

12 (c) Not apply standards or impose conditions respecting the use of land
13 which are more restrictive than those generally applicable to other persons
14 or governmental agencies in this state.

15 2. In granting the consent of the state the governor shall not grant or
16 waive any right, privilege, immunity or other incident of sovereignty
17 provided for in NRS 328.085.

18 3. Any recommendation of the state land use planning agency which is
19 not acted on by the governor within 30 days after he receives it and which
20 is not in conflict with the requirements of this section is automatically
21 approved unless the governor in a writing which is attached to the
22 application and recommendations defers the decision for a good cause.

23 4. The consent of the governor to a use of public land must be
24 evidenced by a certificate signed by him and delivered to the United States.
25 A copy of the certificate must also be delivered to the state land registrar.

26 **Sec. 4.** This act becomes effective upon passage and approval.