

SENATE JOINT RESOLUTION NO. 1—SENATORS
GOICOECHEA AND GUSTAVSON

PREFILED DECEMBER 20, 2014

JOINT SPONSORS: ASSEMBLYMEN ELLISON, HANSEN, OSCARSON,
WHEELER, HAMBRICK; DOOLING, FIORE AND KIRNER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Urges 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. (BDR R-451)

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



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 78th 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, except as otherwise
22 directed by Congress:

23 1. Lands designated by Congress as wilderness;

24 2. Lands designated by Congress as National Conservation
25 Areas;

26 3. Lands designated by the Bureau of Land Management as
27 Areas of Critical Environmental Concern established to protect the
28 desert tortoise; and

29 4. Lands administered by:

30 (a) The United States Department of Energy;

31 (b) The United States Department of Defense;

32 (c) The Bureau of Indian Affairs of the United States
33 Department of the Interior;

34 (d) The United States Fish and Wildlife Service of the United
35 States Department of the Interior; and

36 (e) The National Park Service of the United States Department
37 of the Interior; and be it further

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

40 1. All parcels of land, administered by the Bureau of Land
41 Management, which remain within the original Central Pacific
42 Railroad corridor along Interstate 80 in Northern Nevada;

43 2. All land previously identified by the Bureau of Land
44 Management as suitable for disposal, or currently moving forward



1 in planning documents for federal land use plans, that have not yet
2 been disposed of in the State of Nevada;

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 RESOLVED, That the public lands subsequently transferred shall
2 become state public lands to be managed in accordance with state
3 and local plans and for multiple uses, as well as on-going net
4 revenue generation and environmental health, function, productivity
5 and sustainability; and be it further

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

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

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

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

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

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



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 the Nevada System of
20 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 become effective upon passage.

