

ASSEMBLY BILL NO. 378—COMMITTEE ON NATURAL RESOURCES

MARCH 23, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises various provisions relating to public lands.  
(BDR 26-718)

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

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

AN ACT relating to public lands; revising the purpose of the State Land Office; revising provisions relating to the duties of the State Land Use Planning Agency; repealing various provisions relating to public lands; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the State Land Office for the purpose of selecting and disposing of certain lands granted by the United States to the State of Nevada. (NRS 321.010) **Section 1** of this bill provides, instead, that the purpose of the State Land Office is for selecting, managing and, where appropriate, disposing of such lands.

**Section 3** of this bill eliminates the definition of “public lands” for purposes of state planning for the use of certain lands.

Existing law designates the Division of State Lands of the State Department of Conservation and Natural Resources as the State Land Use Planning Agency and sets forth various duties and responsibilities of the Agency. (NRS 321.640-321.770)

**Section 5** of this bill eliminates from the list of priorities of the Agency: (1) activities relating to federal lands in this State; and (2) investigation and review of proposals for the designation of areas of critical environmental concern and the development of standards and plans therefor.

**Section 6** of this bill revises the duties of the Administrator of the Division of State Lands with respect to the State Land Use Planning Agency to require that the Administrator provide assistance to counties in developing plans and policies, in addition to programs, to increase the involvement of local governments in the coordinated management of lands in the State that are under federal management.

**Section 7** of this bill revises the duties of the State Land Use Planning Agency concerning the purchase by the Federal Government of private land or the exchange of public land for private land to remove the requirement that the State Land Use Planning Agency include comments received from the governing body of an affected county or city in any written comments submitted by the State Land Use



\* A B 3 7 8 R 1 \*

Planning Agency to the Federal Government and instead authorizes the State Land Use Planning Agency to include such comments received from the governing body of an affected county or city.

**Section 8** of this bill removes from the duties of the State Land Use Planning Agency the duty to identify lands that are suitable for acquisition.

**Section 14** of this bill repeals various provisions relating to public lands, including provisions: (1) creating the Board of Review to review regulations, decisions and plans or statements of policy of the State Registrar and State Land Use Planning Agency; (2) directing the management of certain public lands; (3) creating the Public Land Trust Fund; (4) authorizing the State Land Use Planning Agency to represent interests of certain entities that are affected by policies and activities involving the use of federal law; and (5) setting forth procedures for state consent to the federal use of public lands. **Section 14** also repeals language declaring the intent of the State to seek the acquisition of lands retained by the Federal Government within the borders of the State.

**Sections 10 and 13** make conforming changes to remove references to these repealed provisions.

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

**Section 1.** NRS 321.010 is hereby amended to read as follows:  
321.010 1. For the purpose of selecting , *managing* and ,  
*where appropriate*, disposing of the lands granted by the United  
States to the State of Nevada, including the 16th and 36th sections,  
and those selected in lieu thereof, in accordance with the terms and  
conditions of the several grants of land by the United States to the  
State of Nevada, a State Land Office is hereby created.

2. The Administrator as executive head of the Division is the  
ex officio State Land Registrar.

3. The State Land Registrar may appoint one Deputy State  
Land Registrar and such technical, clerical and operational staff as  
the execution of the duties of the State Land Registrar and the  
operation of the State Land Office may require.

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** NRS 321.655 is hereby amended to read as follows:

321.655 As used in NRS 321.640 to 321.770, inclusive:

1. "Administrator" means the executive head of the Division.

2. "Area of critical environmental concern" means any area in  
this State where there is or could develop irreversible degradation of  
more than local significance but does not include an area of  
depleting water supply which is caused by the beneficial use or  
storage of water in other areas pursuant to legally owned and fully  
appropriated water rights.

3. "Planning agency" means:

(a) The planning commission for the city in which the land is  
entirely located; or



(b) A county or regional planning commission, if there is one, or the board of county commissioners or Nevada Tahoe Regional Planning Agency, within whose jurisdiction the land is located.

~~[4. "Public lands" means all lands within the exterior boundaries of the State of Nevada except lands:~~

~~—(a) To which title is held by any private person or entity;~~

~~—(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;~~

~~—(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the Legislature;~~

~~—(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or~~

~~—(e) Which are held in trust for Indian purposes or are Indian reservations.]~~

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** NRS 321.710 is hereby amended to read as follows:

321.710 1. The Administrator shall administer the activities of the State Land Use Planning Agency. The Administrator has authority and responsibility for the development and distribution of information useful to land use planning.

2. The ~~[activities of the]~~ State Land Use Planning Agency ~~[which have priority are:~~

~~—(a) Provision of]~~ *may provide* technical assistance to a county or city in areas where such assistance is requested . [;

~~—(b) Activities relating to federal lands in this State; and~~

~~—(c) Investigation and review of proposals for designation of areas of critical environmental concern and the development of standards and plans therefor.]~~

3. In addition to the assistant provided by subsection 3 of NRS 321.010 the Administrator may appoint, subject to the availability of money, such professional, technical, administrative, clerical and other persons as the Administrator may require for assistance in performing his or her land use planning duties.

**Sec. 6.** NRS 321.720 is hereby amended to read as follows:

321.720 1. The Administrator shall develop and make available to cities and counties information useful to land use planning, including:

(a) Preparation and continuing revision of a statewide inventory of the land and natural resources of the State;

(b) Preparation and continuing revision of an inventory of state, local government and private needs and priorities concerning the acquisition and use of federal lands within the State;

(c) Preparation and continuing revision of an inventory of public and private institutional and financial resources available for land



1 use planning and management within the State and of state and local  
2 programs and activities which have a land use impact of more than  
3 local concern;

4 (d) Provision, where appropriate, of technical assistance and  
5 training programs for state and local agency personnel concerned  
6 with the development and implementation of state and local land use  
7 programs;

8 (e) Coordination and exchange of land use planning information  
9 and data among state agencies and local governments, with the  
10 Federal Government, among the several states and interstate  
11 agencies, and with members of the public, including conducting of  
12 public hearings, preparation of reports and soliciting of comments  
13 on reports concerning information useful to land use planning;

14 (f) Coordination of planning for state and local acquisition and  
15 use of federal lands within the State, except that in the case of a plan  
16 which utilizes both federal and private lands the governing body of  
17 the area where private lands are to be utilized has final authority to  
18 approve the proposal;

19 (g) Provision of assistance to counties to develop *plans, policies*  
20 *and* programs to increase the ~~responsibility~~ *involvement* of local  
21 governments ~~for the~~ *in the coordinated* management of lands in  
22 the State of Nevada that are under federal management; and

23 (h) Consideration of, and consultation with, the relevant states  
24 on the interstate aspects of land use issues of more than local  
25 concern.

26 2. To the extent practicable, the Administrator shall:

27 (a) Compile any information developed pursuant to subsection  
28 1; and

29 (b) Make the compilation available to cities and counties.

30 **Sec. 7.** NRS 321.7353 is hereby amended to read as follows:

31 321.7353 1. Upon receipt of a notice of realty action from the  
32 United States concerning the purchase by the Federal Government  
33 of private land or the exchange of public land for private land, the  
34 State Land Use Planning Agency shall give written notice of the  
35 proposed action to the governing body of each county or city  
36 affected within 1 week after its receipt of the notice.

37 2. The governing body of each affected county or city may, in  
38 addition to submission of comments directly to the Federal  
39 Government, deliver its written comments on the proposed realty  
40 action, including an estimation of any related reduction in the total  
41 assessed valuation of the real property within the jurisdiction of the  
42 local government and recommendations for mitigation of the loss of  
43 assessed valuation, to the State Land Use Planning Agency within  
44 30 days after receipt of the notice.



3. If the State Land Use Planning Agency elects to submit written comment to the Federal Government upon the realty action, it ~~{shall}~~ *may* include in its submission any comments it received pursuant to subsection 2.

**Sec. 8.** NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency ~~{shall}~~ *may* prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the ~~{acquisition and use}~~ *administration* of lands in the State of Nevada that are under federal management.

~~{2. The State Land Use Planning Agency shall, in preparing the plans and statements of policy, identify lands which are suitable for acquisition for:~~

~~—(a) Commercial, industrial or residential development;~~

~~—(b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or~~

~~—(c) Accommodating increases in the population of this State.~~

*→* The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

~~{3.}~~ 2. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands; and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

~~{4.}~~ 3. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or ~~{policy}~~ *of policy* to the Governor, Legislature or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and



(b) Any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands.

~~[5.]~~ 4. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 328.065 is hereby amended to read as follows:

328.065 An officer of an agency or instrumentality of the United States:

1. May apply to the Director of the Legislative Counsel Bureau pursuant to NRS 328.065 to 328.135, inclusive, to obtain a cession of concurrent criminal jurisdiction or other jurisdiction from the State of Nevada.

2. Shall apply to the State Engineer pursuant to Title 48 of NRS to appropriate water on the public lands or other federal lands of this state. The State Engineer has continuing jurisdiction over any acquisition by the United States of the waters of the State of Nevada, whether by purchase, gift, condemnation, appropriation pursuant to the state's water laws or otherwise, and whether appurtenant to lands acquired by or retained by the United States.

3. Shall apply to the Department of Transportation pursuant to the procedure set forth in NRS 408.537, 408.543 and 408.547 for consent to close a public road, as defined in NRS 405.191, which is located on the public lands of this state.

~~[4. Shall apply to the State Land Use Planning Agency pursuant to the procedure set forth in NRS 321.736 to 321.739, inclusive, for consent to use land held solely for proprietary purposes relating to the retention and management of the public lands, if that use interferes with the sovereignty of this state respecting the land within its borders.]~~

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 487.210 is hereby amended to read as follows:

487.210 As used in NRS 487.210 to 487.300, inclusive, unless the context otherwise requires:

1. "Abandoned vehicle" means a vehicle:

(a) If the vehicle is discovered upon public lands, that the owner has discarded.

(b) If the vehicle is discovered upon public or private property other than public lands:

(1) That the owner has discarded; or

(2) Which has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250.



2. "Public lands" ~~has the meaning ascribed to it in NRS 321.5963.~~ means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges or which are lands acquired by purchase consented to by the Legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

**Sec. 14.** NRS 321.00051, 321.596, 321.5963, 321.5967, 321.597, 321.5973, 321.5977, 321.598, 321.5983, 321.5987, 321.599, 321.601, 321.735, 321.736, 321.737, 321.738 and 321.739 are hereby repealed.

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## LEADLINES OF REPEALED SECTIONS

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**321.00051** Legislative declaration: Acquisition of lands retained by Federal Government.

**321.596** Legislative findings.

**321.5963** Definitions.

**321.5967** Board of Review: Creation; composition; Chair; meetings; quorum; compensation; duties and powers.

**321.597** Division to hold and manage public lands; regulations; employment of personnel.

**321.5973** Public lands and minerals are property of State; rights and privileges under federal laws to be preserved; administration of land to conform with treaties and compacts.

**321.5977** Objectives in administering public lands.

**321.598** Disposal of public lands: Legislative authorization required; State Land Registrar may dispose of lands to same extent and in same manner as Federal Government; deposit of proceeds.

**321.5983** Unauthorized disposal of public lands void; State authorization required for use, management or disposal of public lands; injunctions; action to recover consideration received from unlawful disposition of public land.



**321.5987 Procedure for appealing decision of State Land Registrar to Board of Review; hearing.**

**321.599 Enforcement of NRS 321.596 to 321.599, inclusive, by Attorney General.**

**321.601 Creation; payments to local governments in lieu of taxes on public lands.**

**321.735 Powers and duties concerning federal lands; action by certain cities and counties not precluded.**

**321.736 Hearings and recommendations of local planning agencies.**

**321.737 Transfer or referral of certain applications to State Engineer.**

**321.738 Hearing and recommendation of State Agency.**

**321.739 Grant or denial of consent by Governor.**

