Senate Joint Resolution No. 1–Senators
Goicoechea and Gustavson

#3 A

Joint Sponsors: Assemblymen Ellison, Hansen, Oscarson, Wheeler, Hambrick; Dooling, Fiore and Kirner

FILE NUMBER.....

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.

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

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

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

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

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

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

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

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 78th Session of the Nevada Legislature hereby urge 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; and be it further

RESOLVED, That any such legislation should exclude the following lands from consideration for transfer, except as otherwise directed by Congress:

1. Lands designated by Congress as wilderness;

2. Lands designated by Congress as National Conservation Areas;

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

4. Lands administered by:

(a) The United States Department of Energy;

(b) The United States Department of Defense;

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

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

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

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

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

2. All land previously identified by the Bureau of Land Management as suitable for disposal, or currently moving forward in planning documents for federal land use plans, that have not yet been disposed of in the State of Nevada;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED, That payments to local governments to replace the revenue which would otherwise be shared with local governments in this State by the Bureau of Land Management from the sale of

materials, mineral leases and permits, grazing permits and other revenues from public lands transferred to the State of Nevada will be made by the State of Nevada from the gross revenues derived by the State of Nevada from managing those public lands; and be it further

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

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

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

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

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

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

4. Any costs incurred by the State of Nevada in administering transferred land will be covered by gross revenue derived from

managing the land, and will not be passed on to any local government; and be it further

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

1. Public primary and secondary education;
2. Public higher education, including the Nevada System of Higher Education;
3. Public specialized education;
4. Public mental and medical health services;
5. Social, senior and veteran services;
6. Public programs to preserve any species that is listed as, or is a candidate species for listing as, threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.; and
7. Local governments, to pay for any services and infrastructure provided on transferred public lands; and be it further

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

RESOLVED, That this resolution becomes effective upon passage.