

Calendar No. 826

106TH CONGRESS
2D SESSION**S. 1331****[Report No. 106–417]**

To give Lincoln County, Nevada, the right to purchase at fair market value
certain public land in the county.

IN THE SENATE OF THE UNITED STATES

JULY 1, 1999

Mr. REID introduced the following bill; which was read twice and referred to
the Committee on Energy and Natural Resources

SEPTEMBER 25 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. MURKOWSKI, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To give Lincoln County, Nevada, the right to purchase at
fair market value certain public land in the county.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lincoln County Land
5 Act of 1999”.

1 **SEC. 2. SALE OF PUBLIC LAND.**

2 (a) ~~RIGHT TO PURCHASE.~~—For a period of 10 years
3 after the date of enactment of this Act, Lincoln County,
4 Nevada, shall have the exclusive right to purchase the par-
5 cels of public land described in subsection (b).

6 (b) ~~LAND DESCRIPTION.~~—The parcels of public land
7 referred to in subsection (a) are the following parcels in
8 T. 12 S., R. 71 E., Mount Diablo Meridian, Nevada:

9 (1) ~~Sec. 16: NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE~~
10 ~~$\frac{1}{4}$.~~

11 (2) ~~Sec. 17: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE~~
12 ~~$\frac{1}{4}$.~~

13 (3) ~~Sec. 18: SE $\frac{1}{4}$.~~

14 (4) ~~Sec. 19: E $\frac{1}{2}$.~~

15 (5) ~~Sec. 20.~~

16 (6) ~~Sec. 21: W $\frac{1}{2}$.~~

17 (7) ~~Sec. 28: W $\frac{1}{2}$.~~

18 (8) ~~Sec. 29.~~

19 (9) ~~Sec. 30: E $\frac{1}{2}$.~~

20 (10) ~~Sec. 31: E $\frac{1}{2}$.~~

21 (11) ~~Sec. 32.~~

22 (12) ~~Sec. 33: W $\frac{1}{2}$, SE $\frac{1}{4}$.~~

23 (13) ~~Sec. 34: S $\frac{1}{2}$.~~

24 (c) ~~NOTIFICATION.~~—Not later than 180 days after
25 the date of enactment of this Act, Lincoln County, Ne-
26 vada, shall notify the Secretary of the Interior which of

1 the parcels of public land described in subsection (b) the
 2 county intends to purchase.

3 (d) **TERMS AND CONDITIONS OF SALE.**—All sales of
 4 public land under this section—

5 (1) shall be subject to valid existing rights; and

6 (2) shall be made for fair market value, as de-
 7 termined by the Secretary.

8 (e) **CONVEYANCE.**—Not later than 1 year after re-
 9 ceiving notification by Lincoln County that the county
 10 wishes to proceed with a purchase under subsection (a);
 11 the Secretary of the Interior shall convey to Lincoln Coun-
 12 ty the parcels of land selected for purchase.

13 (f) **WITHDRAWAL.**—Subject to valid existing rights,
 14 until the date that is 10 years after the date of enactment
 15 of this Act, the public land described in subsection (b) is
 16 withdrawn from all forms of entry and appropriation
 17 under the public land laws, including the mining laws, and
 18 from operation of the mineral leasing and geothermal leas-
 19 ing laws.

20 **SEC. 3. DISPOSITION OF PROCEEDS.**

21 (a) **LAND SALES.**—Of the gross proceeds of sales of
 22 land under this Act in a fiscal year—

23 (1) 5 percent shall be paid directly to the State
 24 of Nevada for use in the general education program
 25 of the State;

1 ~~(2)~~ 10 percent shall be returned to Lincoln
 2 County for use as determined through normal coun-
 3 ty budgeting procedures, with emphasis given to
 4 support of schools, of which no amount may be used
 5 in support of litigation against the Federal Govern-
 6 ment; and

7 ~~(3)~~ the remainder shall be deposited in a special
 8 account in the Treasury of the United States (re-
 9 ferred to in this section as the “special account”) for
 10 use as provided in subsection (b).

11 ~~(b)~~ AVAILABILITY OF SPECIAL ACCOUNT.—

12 ~~(1)~~ IN GENERAL.—Amounts in the special ac-
 13 count (including amounts earned as interest under
 14 paragraph ~~(3)~~) shall be available to the Secretary of
 15 the Interior, without further Act of appropriation,
 16 and shall remain available until expended, for—

17 ~~(A)~~ the cost of acquisition of environ-
 18 mentally sensitive land or interests in such land
 19 in the State of Nevada, with priority given to
 20 land outside Clark County;

21 ~~(B)~~ development of a multispecies habitat
 22 conservation plan in Lincoln County, Nevada;
 23 and

24 ~~(C)~~ reimbursement of costs incurred by the
 25 Bureau of Land Management in preparing sales

under this Act, or other authorized land sales or exchanges within Lincoln County, Nevada, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and any public notice.

(2) ACQUISITION FROM WILLING SELLERS.—An acquisition under paragraph (1)(A) shall be made only from a willing seller and after consultation with the State of Nevada and units of local government under the jurisdiction of which the environmentally sensitive land is located.

(3) INTEREST.—Amounts in the special account shall earn interest in the amount determined by the Secretary of Treasury on the basis of current average market yield on outstanding marketable obligations of the United States of comparable maturities.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lincoln County Land Act of 2000”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Lincoln County, Nevada, encompasses an area of 10,132 square miles of the State of Nevada;

1 (2) *approximately 98 percent of the County is*
2 *owned by the Federal Government;*

3 (3) *the city of Mesquite, Nevada, needs land for*
4 *an organized approach for expansion to the north;*

5 (4) *citizens of the County would benefit through*
6 *enhanced county services and schools from the in-*
7 *creased private property tax base due to commercial*
8 *and residential development;*

9 (5) *the County would see improvement to the*
10 *budget for the county and school services through the*
11 *immediate distribution of sale receipts from the Sec-*
12 *retary selling land through a competitive bidding*
13 *process;*

14 (6) *a cooperative approach among the Bureau of*
15 *Land Management, the County, the City, and other*
16 *local government entities will ensure continuing com-*
17 *munication between those entities;*

18 (7) *the Federal Government will be fairly com-*
19 *pensated for the sale of public land; and*

20 (8) *the proposed Caliente Management Frame-*
21 *work Amendment and Environmental Impact State-*
22 *ment for the Management of Desert Tortoise Habitat*
23 *Plan identify specific public land as being suitable*
24 *for disposal.*

25 (b) *PURPOSES.—The purposes of this Act are—*

1 (1) *to provide for the orderly disposal of certain*
 2 *public land in the County; and*

3 (2) *to provide for the acquisition of environ-*
 4 *mentally sensitive land in the State of Nevada.*

5 **SEC. 3. DEFINITIONS.**

6 *In this Act:*

7 (1) *CITY.*—*The term “City” means the city of*
 8 *Mesquite, Nevada.*

9 (2) *COUNTY.*—*The term “County” means Lin-*
 10 *coln County, Nevada.*

11 (3) *SECRETARY.*—*The term “Secretary” means*
 12 *the Secretary of the Interior.*

13 (4) *SPECIAL ACCOUNT.*—*The term “special ac-*
 14 *count” means the account in the Treasury of the*
 15 *United States established under section 5.*

16 **SEC. 4. DISPOSAL OF LAND.**

17 (a) *DISPOSAL.*—

18 (1) *IN GENERAL.*—*As soon as practicable after*
 19 *the date of enactment of this Act, notwithstanding the*
 20 *land use planning and land sale requirements con-*
 21 *tained in sections 202 and 203 of the Federal Land*
 22 *Policy and Management Act of 1976 (43 U.S.C. 1711,*
 23 *1712), the Secretary, in cooperation with the County*
 24 *and the City, in accordance with this Act, the Federal*
 25 *Land Policy and Management Act of 1976 (43 U.S.C.*

1701 et seq.), and other applicable law, and subject to valid existing rights, shall dispose of the land described in subsection (b) in a competitive bidding process, at a minimum, for fair market value.

(2) *TIMING.*—The Secretary shall dispose of—

(A) the land described in subsection (b)(1)(A) not later than 1 year after the date of enactment of this Act; and

(B) the land described in subsection (b)(1)(B) not later than 5 years after the date of enactment of this Act.

(b) *LAND DESCRIPTION.*—

(1) *IN GENERAL.*—The land referred to in subsection (a) is the land depicted on the map entitled “Public Lands Identified for Disposal in Lincoln County, Nevada” and dated July 24, 2000, consisting of—

(A) the land identified on the map for disposal within 1 year, comprising approximately 4,817 acres; and

(B) the land identified on the map for disposal within 5 years, comprising approximately 8,683 acres.

1 (2) *MAP.*—*The map described in paragraph (1)*
 2 *shall be available for public inspection in the Ely*
 3 *Field Office of the Bureau of Land Management.*

4 (c) *SEGREGATION.*—*Subject to valid existing rights,*
 5 *the land described in subsection (b) is segregated from all*
 6 *forms of entry and appropriation (except for competitive*
 7 *sale) under the public land laws, including the mining*
 8 *laws, and from operation of the mineral leasing and geo-*
 9 *thermal leasing laws.*

10 (d) *COMPLIANCE WITH LOCAL PLANNING AND ZON-*
 11 *ING.*—*The Secretary shall ensure that qualified bidders in-*
 12 *tend to comply with—*

13 (1) *County and City zoning ordinances; and*

14 (2) *any master plan for the area developed and*
 15 *approved by the County and City.*

16 **SEC. 5. DISPOSITION OF PROCEEDS.**

17 (a) *LAND SALES.*—*Of the gross proceeds of sales of*
 18 *land under this Act in a fiscal year—*

19 (1) *5 percent shall be paid directly to the State*
 20 *of Nevada for use in the general education program*
 21 *of the State;*

22 (2) *10 percent shall be returned to the County*
 23 *for use as determined through normal county budg-*
 24 *eting procedures, with emphasis given to support of*

1 *schools, of which no amount may be used in support*
 2 *of litigation against the Federal Government; and*

3 *(3) the remainder shall be deposited in a special*
 4 *account in the Treasury of the United States (referred*
 5 *to in this section as the “special account”) for use as*
 6 *provided in subsection (b).*

7 *(b) AVAILABILITY OF SPECIAL ACCOUNT.—*

8 *(1) IN GENERAL.—Amounts in the special ac-*
 9 *count (including amounts earned as interest under*
 10 *paragraph (3)) shall be available to the Secretary of*
 11 *the Interior, without further Act of appropriation,*
 12 *and shall remain available until expended, for—*

13 *(A) inventory, evaluation, protection, and*
 14 *management of unique archaeological resources*
 15 *(as defined in section 3 of the Archaeological Re-*
 16 *sources Protection Act of 1979 (16 U.S.C.*
 17 *470bb)) in the County;*

18 *(B) development of a multispecies habitat*
 19 *conservation plan in the County;*

20 *(C)(i) reimbursement of costs incurred by*
 21 *the Nevada State Office and the Ely Field Office*
 22 *of the Bureau of Land Management in preparing*
 23 *sales under this Act, or other authorized land*
 24 *sales within the County, including the costs of*
 25 *land boundary surveys, compliance with the Na-*

1 *tional Environmental Policy Act of 1969 (42*
 2 *U.S.C. 4321 et seq.), appraisals, environmental*
 3 *and cultural clearances, and any public notice;*
 4 *and*

5 *(ii) processing public land use authoriza-*
 6 *tions and rights-of-way stemming from develop-*
 7 *ment of the conveyed land; and*

8 *(D) the cost of acquisition of environ-*
 9 *mentally sensitive land or interests in such land*
 10 *in the State of Nevada, with priority given to*
 11 *land outside Clark County.*

12 *(2) ACQUISITION FROM WILLING SELLERS.—An*
 13 *acquisition under paragraph (1)(D) shall be made*
 14 *only from a willing seller and after consultation with*
 15 *the State of Nevada and units of local government*
 16 *under the jurisdiction of which the environmentally*
 17 *sensitive land is located.*

18 *(c) INVESTMENT OF SPECIAL ACCOUNT.—All funds de-*
 19 *posited as principal in the special account shall earn inter-*
 20 *est in the amount determined by the Secretary of the Treas-*
 21 *ury on the basis of the current average market yield on out-*
 22 *standing marketable obligations of the United States of*
 23 *comparable maturities.*

1 **SEC. 6. ACQUISITIONS.**

2 (a) *DEFINITION OF ENVIRONMENTALLY SENSITIVE*
 3 *LAND.*—*In this section, the term “environmentally sensitive*
 4 *land” means land or an interest in land, the acquisition*
 5 *of which by the United States would, in the judgment of*
 6 *the Secretary—*

7 (1) *promote the preservation of natural, sci-*
 8 *entific, aesthetic, historical, cultural, watershed, wild-*
 9 *life, and other values contributing to public enjoy-*
 10 *ment and biological diversity;*

11 (2) *enhance recreational opportunities and pub-*
 12 *lic access;*

13 (3) *provide the opportunity to achieve better*
 14 *management of public land through consolidation of*
 15 *Federal ownership; or*

16 (4) *otherwise serve the public interest.*

17 (b) *ACQUISITIONS.—*

18 (1) *IN GENERAL.*—*After the consultation process*
 19 *has been completed in accordance with subsection (c),*
 20 *the Secretary may acquire with the proceeds of the*
 21 *special account environmentally sensitive land and*
 22 *interests in environmentally sensitive land. Land*
 23 *may not be acquired under this section without the*
 24 *consent of the landowner.*

25 (2) *USE OF OTHER FUNDS.*—*Funds made avail-*
 26 *able from the special account may be used with any*

1 *other funds made available under any other provision*
 2 *of law.*

3 (c) *CONSULTATION.*—*Before initiating efforts to ac-*
 4 *quire land under this subsection, the Secretary shall consult*
 5 *with the State of Nevada and with local government within*
 6 *whose jurisdiction the land is located, including appro-*
 7 *priate planning and regulatory agencies, and with other*
 8 *interested persons, concerning the necessity of making the*
 9 *acquisition, the potential impacts on State and local gov-*
 10 *ernment, and other appropriate aspects of the acquisition.*

11 (d) *ADMINISTRATION.*—*On acceptance of title by the*
 12 *United States, land and interests in land acquired under*
 13 *this section that is within the boundaries of a unit of the*
 14 *National Wild and Scenic Rivers System, National Trails*
 15 *System, National Wilderness Preservation System, any*
 16 *other system established by Act of Congress, or any national*
 17 *conservation or national recreation area established by Act*
 18 *of Congress—*

19 (1) *shall become part of the unit or area without*
 20 *further action by the Secretary; and*

21 (2) *shall be managed in accordance with all laws*
 22 *and regulations and land use plans applicable to the*
 23 *unit or area.*

Amend the title so as to read: “A bill to direct the Secretary of Interior to sell certain public land in Lincoln County through a competitive process.”.

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106TH CONGRESS
2D SESSION

S. 1331

[Report No. 106-417]

A BILL

To give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

SEPTEMBER 25 (legislative day, SEPTEMBER 22), 2000

Reported with an amendment and an amendment to the title