

Amendment No. 421

Assembly Amendment to Assembly Bill No. 408	(BDR 26-1060)
<b>Proposed by:</b> Assembly Committee on Natural Resources, Agriculture, and Mining	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 408.
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ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JRS/BJE



Date: 4/16/2015

A.B. No. 408—Enacts provisions governing the acquisition and use of certain public lands. (BDR 26-1060)



ASSEMBLY BILL NO. 408—ASSEMBLYMEN FIORE, SHELTON, DOOLING, TITUS, SEAMAN; DICKMAN, ELLISON, GARDNER, HANSEN, JONES, MOORE, ~~[MUNFORD, O'NEILL,]~~ OSCARSON AND WHEELER

MARCH 17, 2015

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Natural Resources,  
Agriculture, and Mining

SUMMARY—Enacts provisions ~~[governing the acquisition and use]~~ **relating to certain uses** of ~~[certain public lands,]~~ **land and the exercise of law enforcement authority in this State.** (BDR 26-1060)

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.

AN ACT relating to ~~[public lands; prohibiting the Federal Government from owning or regulating certain public lands or the right to use public waters; requiring the State Land Registrar to adopt regulations that provide for the appropriation and registration of grazing, logging, mineral development or other beneficial use rights on public lands; requiring the State Land Registrar to sell permits for grazing, logging, mineral development or other beneficial uses on public lands for which such rights are not registered and appropriated; requiring the board of county commissioners of each county to impose a tax on profits from the beneficial use of public lands;]~~ **governmental administration; declaring the support of the Legislature for certain uses of private property and public lands in this State; authorizing the sheriff of a county to enter into an agreement with a federal agency concerning primary responsibility or the exercise of law enforcement authority on land managed by the federal agency under certain circumstances; providing that sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 ~~— The United States Constitution authorizes the Federal Government to exercise authority~~  
2 ~~over land purchased by consent of the legislature of the state in which the land lies for the~~

3 ~~erection of forts, magazines, arsenals, dockyards and other needful buildings. (U.S. Const.~~  
4 ~~Art. I, § 8, cl. 17)~~

5 ~~Existing law: (1) sets forth the manner in which an officer of an agency or instrumentality~~  
6 ~~of the United States may apply to the Director of the Legislative Counsel Bureau to obtain a~~  
7 ~~cession of concurrent criminal jurisdiction or other jurisdiction from the State of Nevada; and~~  
8 ~~(2) authorizes the Legislature to enact a resolution ceding that jurisdiction to the United States~~  
9 ~~respecting any land held by the United States for the erection of forts, magazines, arsenals,~~  
10 ~~dockyards or other needful buildings or for any other governmental purpose authorized by the~~  
11 ~~Constitution of the United States. (NRS 328.065-328.135)~~

12 ~~Section 2 of this bill prohibits the Federal Government from owning or regulating activity~~  
13 ~~on any land in this State that it has not acquired with the consent of the Legislature and upon~~  
14 ~~which it has not erected forts, magazines, arsenals, dockyards or other needful building.~~  
15 ~~Section 2 provides that the rights to own and use such land are the common property of the~~  
16 ~~citizens of this State. Section 2 requires the State to respect all agreements that guarantee~~  
17 ~~persons the right to use such land.~~

18 ~~Existing law provides for the appropriation and registration of rights to use public waters~~  
19 ~~in this State. (NRS 533.324-533.435) Section 3 also prohibits the Federal Government from~~  
20 ~~owning water rights in this State and provides for the appropriation and registration of water~~  
21 ~~rights claimed by the Federal Government in the manner provided by statute for the~~  
22 ~~appropriation of the right to use public waters.~~

23 ~~Section 4 of this bill requires the State Land Registrar to provide for the appropriation and~~  
24 ~~registration of grazing, logging, mineral development or any other beneficial use rights on~~  
25 ~~public lands, including land to which the Federal Government claims ownership or rights. The~~  
26 ~~State Land Registrar must award such rights to the first person who puts the land to beneficial~~  
27 ~~use for grazing, logging, mineral development or another beneficial use, as applicable, and~~  
28 ~~require a person to continue to use the land for such a beneficial use in order to retain the~~  
29 ~~rights. Section 5 of this bill requires the State Land Registrar to publish notice each time a~~  
30 ~~right to use public lands for grazing, logging, mineral development or any other beneficial use~~  
31 ~~becomes available, and section 6 of this bill authorizes a person to protest the appropriation~~  
32 ~~and registration of such rights. Section 7 of this bill requires the State Land Registrar to hold~~  
33 ~~an annual auction to sell permits to use land for which rights have not been appropriated for~~  
34 ~~grazing, logging, mineral development or any other beneficial use. Section 7 also provides~~  
35 ~~that if the holder of such a permit puts the land to such a beneficial use for 4 consecutive~~  
36 ~~years, he or she can appropriate the right to use the land for that beneficial use.~~

37 ~~Section 8 of this bill requires the board of county commissioners of each county to~~  
38 ~~impose a tax on the profits gained through the beneficial use of public lands.]~~

39 Under existing law, the Legislature has declared that the public policy of this State is  
40 to continue to seek the acquisition of lands retained by the Federal Government within  
41 the borders of this State. (NRS 321.00051) Section 11 of this bill expands that public  
42 policy to include: (1) support for an owner of private property in this State to use any  
43 resources located on that private property; (2) support for the members of the general  
44 public in this State to access and use any public lands in this State for certain  
45 recreational activities; and (3) support for the residents of this State to use any public  
46 lands in this State in a manner which ensures multiple uses of those public lands for  
47 those residents.

48 Existing law sets forth the general powers and duties of sheriffs and their deputies in  
49 this State. (NRS 248.090-248.250) Section 12 of this bill authorizes the sheriff of any  
50 county in this State to enter into an agreement with certain federal agencies pursuant to  
51 which the sheriff and his or her deputies are primarily responsible for the exercise of law  
52 enforcement authority on land managed by those federal agencies if the agreement: (1)  
53 requires the payment of fair compensation to the sheriff for exercising law enforcement  
54 authority based on federal statutes and regulations; and (2) provides that the federal  
55 agency recognizes the sheriff as the primary law enforcement authority on the land  
56 managed by the federal agency. Section 13 of this bill provides that the sheriffs and their  
57 deputies are the primary law enforcement officers of the unincorporated areas of their  
58 respective counties.

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

1       **Section 1.** ~~[Chapter 321 of NRS is hereby amended by adding thereto the~~  
2 ~~provisions set forth as sections 2 to 8, inclusive, of this act.]~~ **(Deleted by**  
3 **amendment.)**

4       **Sec. 2.** ~~[As used in sections 2 to 8, inclusive, of this act, "public lands"~~  
5 ~~means all lands within the exterior boundaries of the State of Nevada except~~  
6 ~~lands:~~

7       ~~1. To which title is held by any private person or entity;~~

8       ~~2. To which title is held by the State of Nevada, any of its local governments~~  
9 ~~or the Nevada System of Higher Education;~~

10       ~~3. To which title has been acquired by the Federal Government pursuant to~~  
11 ~~section 3 of this act; or~~

12       ~~4. Which are held in trust for Indian purposes or are Indian reservations.]~~  
13 **(Deleted by amendment.)**

14       **Sec. 3.** ~~[I. Notwithstanding any other provision of law, the Federal~~  
15 ~~Government shall not own land within the borders of this State unless:~~

16       ~~(a) The Federal Government provides consideration to this State;~~

17       ~~(b) The Legislature cedes jurisdiction over the land to the Federal~~  
18 ~~Government pursuant to NRS 320.065 to 320.135, inclusive;~~

19       ~~(c) The Federal Government uses the land for purposes authorized by Clause~~  
20 ~~17 of Section 8 of Article I of the Constitution of the United States; and~~

21       ~~(d) The Federal Government records the deed to the land with the county~~  
22 ~~recorder in the county in which the land is located.~~

23       ~~2. Except as otherwise provided in subsection 1, the Federal Government~~  
24 ~~shall not own rights to use land or water, post signs on any land or dispose of,~~  
25 ~~lease, issue permits for use of, collect fees relating to, prohibit or restrict the use~~  
26 ~~of or enter into any contract relating to land or water within the borders of this~~  
27 ~~State for any purpose.~~

28       ~~3. Any land or water or rights to use land or water to which the Federal~~  
29 ~~Government claims ownership in violation of this section are the common~~  
30 ~~property of the citizens of this State and the right to put such land to beneficial~~  
31 ~~use may be appropriated as provided in the regulations adopted pursuant to~~  
32 ~~section 4 of this act. The right to put such water to beneficial use may be~~  
33 ~~appropriated in the manner prescribed by NRS 533.324 to 533.435, inclusive.~~

34       ~~4. Until equivalent measures are enacted by the State of Nevada, the rights~~  
35 ~~and privileges of the people of the State of Nevada under the National Forest~~  
36 ~~Reserve Transfer Act (16 U.S.C. §§ 471 et seq.), the General Mining Laws (30~~  
37 ~~U.S.C. §§ 21 et seq.), the Homestead Act (13 U.S.C. §§ 161 et seq.), the Taylor~~  
38 ~~Grazing Act (13 U.S.C. §§ 315 et seq.), the Desert Land Act (13 U.S.C. §§ 321 et~~  
39 ~~seq.), the Carey Act (13 U.S.C. §§ 641 et seq.) and the Public Rangelands~~  
40 ~~Improvement Act (13 U.S.C. §§ 1901 et seq.) and all rights of way and easements~~  
41 ~~held by persons must be preserved under administration by the State.~~

42       ~~5. Public lands in Nevada which have been administered by the United~~  
43 ~~States under international treaties or interstate compacts must continue to be~~  
44 ~~administered by the State in conformance with those treaties or compacts, as~~  
45 ~~applicable.~~

46       ~~6. The Federal Government and officials and agents thereof shall not~~  
47 ~~enforce any federal law or regulation in this State except on land acquired~~  
48 ~~pursuant to subsection 1.]~~ **(Deleted by amendment.)**

1       Sec. 4. ~~The State Land Registrar shall adopt regulations establishing~~  
2 ~~conditions under which a person may appropriate the right to use public lands~~  
3 ~~for grazing, logging, mineral development or any other beneficial use and the~~  
4 ~~procedures for appropriating such rights. The regulations must:~~

5       ~~1. Provide for the appropriation of grazing, logging, mineral development~~  
6 ~~or other beneficial use rights on public lands:~~

7       ~~(a) To the first person who used the land for which the rights are claimed~~  
8 ~~and who continues to use the land for that purpose; or~~

9       ~~(b) If the land for which the rights are claimed has not been used in the~~  
10 ~~manner for which the rights are claimed, to the first person who claims the~~  
11 ~~rights.~~

12       ~~2. Establish procedures by which claims to such rights may be registered~~  
13 ~~with the State Land Registrar. Each right must be identified by priority date, the~~  
14 ~~manner in which the land is being used, the geographic boundaries of the land~~  
15 ~~being used and the person who claims the right.~~

16       ~~3. Provide for the appropriation of grazing rights on public lands to a~~  
17 ~~person who owns stock watering rights on those public lands pursuant to chapter~~  
18 ~~533 of NRS and the designation of the priority date for such grazing rights as the~~  
19 ~~recorded priority date for the stock watering rights held by the person.~~

20       ~~4. Require the owner of grazing, logging, mineral development or other~~  
21 ~~beneficial use rights for public lands to submit once each 5 years:~~

22       ~~(a) Any available proof that he or she is putting the land for which rights are~~  
23 ~~held to beneficial use in the manner for which the rights are held. Such proof~~  
24 ~~may include:~~

25       ~~(1) Proof that the person has paid the tax levied pursuant to section 8 of~~  
26 ~~this act; or~~

27       ~~(2) Other proof acceptable to the State Land Registrar that the person is~~  
28 ~~using the land in the manner for which the rights are held and that such use is~~  
29 ~~beneficial to the person who holds the rights.~~

30       ~~(b) A report describing in detail the manner in which the person who holds~~  
31 ~~the grazing, logging, mineral development or other beneficial use rights to public~~  
32 ~~lands plans to use the land.~~

33       ~~5. Prohibit the sale or lease of grazing, logging, mineral development or~~  
34 ~~other beneficial use rights on public lands unless the person who holds such~~  
35 ~~rights provides proof pursuant to subsection 4 that the person has put the land for~~  
36 ~~which rights are held to beneficial use in the manner for which the rights are~~  
37 ~~held for 4 consecutive years.~~

38       ~~6. Authorize another person to claim a right to use public land for grazing,~~  
39 ~~logging, mineral development or any other beneficial use if the person who holds~~  
40 ~~the right does not provide proof pursuant to subsection 4 that he or she has put~~  
41 ~~the land for which rights are held to beneficial use in the manner for which the~~  
42 ~~rights are held for at least 2 of the 5 years for which he or she is required to~~  
43 ~~provide such proof.~~

44       ~~7. Require each person who wishes to appropriate and register grazing,~~  
45 ~~logging, mineral development or other beneficial use rights on public lands to~~  
46 ~~publish the claim for 120 consecutive days.~~

47       ~~8. Provide for the appropriation and registration of a grazing, logging,~~  
48 ~~mineral development or other beneficial use right if a protest is not filed pursuant~~  
49 ~~to section 6 of this act during the 120 day period prescribed in subsection 7 and~~  
50 ~~require each person who appropriates and registers such a right to record the~~  
51 ~~right with the county recorder in the county in which the land is located.~~

52       ~~9. Prohibit the Federal Government and any governmental entity from~~  
53 ~~outside this State from registering grazing, logging, mineral development or other~~

1 ~~beneficial use rights on public lands pursuant to this section.] (Deleted by~~  
2 ~~amendment.)~~

3 ~~Sec. 5. 1. When a right to use public lands for logging, grazing, mineral~~  
4 ~~development or any other beneficial use becomes available, the State Land~~  
5 ~~Registrar shall publish notice of the availability of the right in a newspaper of~~  
6 ~~general circulation in the county in which the land is located. A person claiming~~  
7 ~~the right has 120 days after the date of publication to submit his or her claim to~~  
8 ~~the State Land Registrar as provided in the regulations adopted pursuant to~~  
9 ~~section 4 of this act.~~

10 ~~2. If a right to use public lands for logging, grazing, mineral development or~~  
11 ~~any other beneficial use has not been appropriated and registered within 120~~  
12 ~~days after the date on which notice of the availability of the right has been~~  
13 ~~published pursuant to subsection 1, the State Land Registrar shall publish a~~  
14 ~~second notice of the availability of the right in a newspaper of general circulation~~  
15 ~~in the county in which the land is located. A person claiming the right has 60~~  
16 ~~days after the date of publication to submit his or her claim to the State Land~~  
17 ~~Registrar as provided in the regulations adopted pursuant to section 4 of this act.]~~  
18 ~~(Deleted by amendment.)~~

19 ~~Sec. 6. 1. Any person who objects to the availability of the right to use~~  
20 ~~public land for logging, grazing, mineral development or any other beneficial use~~  
21 ~~during the period prescribed in subsection 1 or 2 of section 5 of this act may file a~~  
22 ~~protest with the State Land Registrar, and the State Land Registrar shall make a~~  
23 ~~determination of the validity of the protest. If the State Land Registrar determines~~  
24 ~~that the right should not be available, he or she shall publish in a newspaper of~~  
25 ~~general circulation in the county in which the land is located notice that the land~~  
26 ~~is no longer available.~~

27 ~~2. Any person who objects to the appropriation of the right to use public~~  
28 ~~land for logging, grazing, mineral development or any other beneficial use by the~~  
29 ~~claimant during the period prescribed in subsection 7 of section 4 of this act may~~  
30 ~~file a protest with the State Land Registrar, and the State Land Registrar shall~~  
31 ~~make a determination of the validity of the protest. If the State Land Registrar~~  
32 ~~determines that another person should be awarded the right or that the claimant~~  
33 ~~should not be awarded the right for any other reason, the State Land Registrar~~  
34 ~~shall refuse to register the right.~~

35 ~~3. A person aggrieved by a decision of the State Land Registrar concerning~~  
36 ~~a protest filed pursuant to this section may appeal the decision in the manner~~  
37 ~~prescribed in NRS 321.5987.~~

38 ~~4. The Attorney General may initiate or defend any action commenced in~~  
39 ~~any court to carry out or enforce the provisions of sections 2 to 8, inclusive, of~~  
40 ~~this act or seek appropriate judicial relief to protect the interests of the State or~~  
41 ~~the people of the State in the public lands.] (Deleted by amendment.)~~

42 ~~Sec. 7. 1. If the right to use public land for logging, grazing, mineral~~  
43 ~~development or any other beneficial use is not appropriated and registered in the~~  
44 ~~periods prescribed in section 5 of this act, the right becomes the common property~~  
45 ~~of the citizens of this State. The State Land Registrar shall hold an annual~~  
46 ~~auction of permits to use public lands for grazing, logging, mineral development~~  
47 ~~or any other beneficial use. Such permits must be sold to the highest bidder for a~~  
48 ~~price not lower than \$500. The proceeds from the sale of such permits must be~~  
49 ~~deposited in the Revolving Account for Land Management and used by the State~~  
50 ~~Land Registrar for the administrative costs of registering rights appropriated as~~  
51 ~~provided in the regulations adopted pursuant to section 4 of this act and~~  
52 ~~auctioning permits pursuant to this section.~~

~~2. If a person who holds a permit to use public lands purchased at an auction provides proof to the State Land Registrar that he or she has put the land to beneficial use for 4 consecutive years in the manner prescribed in subsection 4 of section 4 of this act and the regulations adopted pursuant thereto, the person may appropriate and register the right to use the land as provided in the regulations adopted pursuant to section 4 of this act.~~ **(Deleted by amendment.)**

**Sec. 8.** ~~1. The board of county commissioners of each county shall, by ordinance, impose a tax on profits earned from beneficial use of public lands authorized pursuant to rights appropriated and registered as provided in section 4 of this act or a permit purchased as provided in section 7 of this act. The ordinance imposing the tax must provide the:~~

- ~~(a) Rate or rates of the tax;~~
  - ~~(b) Procedure for collection of the tax; and~~
  - ~~(c) Rate of interest that will be charged on late payments.~~
- ~~2. The proceeds of the tax levied pursuant to this section:~~
- ~~(a) Must be deposited in the county general fund and may be used by the board of county commissioners for any lawful purposes; and~~
  - ~~(b) Are exempt from the limitation imposed by NRS 354.59811 and may be excluded in determining the allowed revenue from taxes ad valorem for the county.~~ **(Deleted by amendment.)**

**Sec. 9.** ~~[NRS 321.007 is hereby amended to read as follows:~~  
~~321.007 1. Except as otherwise provided in subsection 5, NRS 321.008, 322.061, 322.062, 322.065 or 322.075, or section 4 or 7 of this act, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:~~

~~(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.~~

~~(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.~~

~~(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.~~

~~2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:~~

- ~~(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and~~
- ~~(b) Be organized at random and rotated from time to time.~~

~~3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.~~

1 ~~4. An appraiser shall not perform an appraisal on any land offered for sale or~~  
2 ~~lease by the State Land Registrar if the appraiser or a person related to the appraiser~~  
3 ~~within the first degree of consanguinity or affinity has an interest in the land or an~~  
4 ~~adjoining property.~~

5 ~~5. If a lease of land is for residential property and the term of the lease is 1~~  
6 ~~year or less, the State Land Registrar shall obtain an analysis of the market value of~~  
7 ~~similar rental properties prepared by a licensed real estate broker or salesperson~~  
8 ~~when offering such a property for lease.~~

9 ~~6. If land is sold or leased in violation of the provisions of this section:~~

10 ~~(a) The sale or lease is void; and~~

11 ~~(b) Any change to an ordinance or law governing the zoning or use of the land~~  
12 ~~is void if the change takes place within 5 years after the date of the void sale or~~  
13 ~~lease. **(Deleted by amendment.)**~~

14 **Sec. 10.** ~~NRS 321.335 is hereby amended to read as follows:~~

15 ~~321.335. 1. Except as otherwise provided in NRS 321.008, 321.125,~~  
16 ~~322.061, 322.063, 322.065 or 322.075, or section 4 or 7 of this act, except as~~  
17 ~~otherwise required by federal law, except for land that is sold or leased to a public~~  
18 ~~utility, as defined in NRS 704.020, to be used for a public purpose, except for land~~  
19 ~~that is sold or leased to a state or local governmental entity, except for a lease~~  
20 ~~which is part of a contract entered into pursuant to chapter 333 of NRS and except~~  
21 ~~for an agreement entered into pursuant to the provisions of NRS 277.080 to~~  
22 ~~277.170, inclusive, or a lease of residential property with a term of 1 year or less,~~  
23 ~~after April 1, 1957, all sales or leases of any lands that the Division is required to~~  
24 ~~hold pursuant to NRS 321.001, including lands subject to contracts of sale that have~~  
25 ~~been forfeited, are governed by the provisions of this section.~~

26 ~~2. Whenever the State Land Registrar deems it to be in the best interests of~~  
27 ~~the State of Nevada that any lands owned by the State and not used or set apart for~~  
28 ~~public purposes be sold or leased, the State Land Registrar may, with the approval~~  
29 ~~of the State Board of Examiners and the Interim Finance Committee, cause those~~  
30 ~~lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed~~  
31 ~~bids for cash or pursuant to a contract of sale or lease, at a price not less than the~~  
32 ~~highest appraised value for the lands plus the costs of appraisal and publication of~~  
33 ~~notice of sale or lease.~~

34 ~~3. Before offering any land for sale or lease, the State Land Registrar shall~~  
35 ~~comply with the provisions of NRS 321.007.~~

36 ~~4. After complying with the provisions of NRS 321.007, the State Land~~  
37 ~~Registrar shall cause a notice of sale or lease to be published once a week for 4~~  
38 ~~consecutive weeks in a newspaper of general circulation published in the county~~  
39 ~~where the land to be sold or leased is situated, and in such other newspapers as the~~  
40 ~~State Land Registrar deems appropriate. If there is no newspaper published in the~~  
41 ~~county where the land to be sold or leased is situated, the notice must be so~~  
42 ~~published in a newspaper published in this State having a general circulation in the~~  
43 ~~county where the land is situated.~~

44 ~~5. The notice must contain:~~

45 ~~(a) A description of the land to be sold or leased;~~

46 ~~(b) A statement of the terms of sale or lease;~~

47 ~~(c) A statement that the land will be sold pursuant to subsection 6; and~~

48 ~~(d) The place where the sealed bids will be accepted, the first and last days on~~  
49 ~~which the sealed bids will be accepted, and the time when and place where the~~  
50 ~~sealed bids will be opened and oral offers submitted pursuant to subsection 6 will~~  
51 ~~be accepted.~~

52 ~~6. At the time and place fixed in the notice published pursuant to subsection~~  
53 ~~4, all sealed bids which have been received must, in public session, be opened;~~



1 ~~examined and declared by the State Land Registrar. Of the proposals submitted~~  
2 ~~which conform to all terms and conditions specified in the notice published~~  
3 ~~pursuant to subsection 4 and which are made by responsible bidders, the bid which~~  
4 ~~is the highest must be finally accepted, unless a higher oral offer is accepted or the~~  
5 ~~State Land Registrar rejects all bids and offers. Before finally accepting any written~~  
6 ~~bid, the State Land Registrar shall call for oral offers. If, upon the call for oral~~  
7 ~~offers, any responsible person offers to buy or lease the land upon the terms and~~  
8 ~~conditions specified in the notice, for a price exceeding by at least 5 percent the~~  
9 ~~highest written bid, then the highest oral offer which is made by a responsible~~  
10 ~~person must be finally accepted.~~

11 ~~7. The State Land Registrar may reject any bid or oral offer to purchase or~~  
12 ~~lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid~~  
13 ~~or offer to be:~~

14 ~~(a) Contrary to the public interest.~~

15 ~~(b) For a lesser amount than is reasonable for the land involved.~~

16 ~~(c) On lands which it may be more beneficial for the State to reserve.~~

17 ~~(d) On lands which are requested by the State of Nevada or any department,~~  
18 ~~agency or institution thereof.~~

19 ~~8. Upon acceptance of any bid or oral offer and payment to the State Land~~  
20 ~~Registrar in accordance with the terms of sale specified in the notice of sale, the~~  
21 ~~State Land Registrar shall convey title by quitclaim or cause a patent to be issued as~~  
22 ~~provided in NRS 321.320 and 321.330.~~

23 ~~9. Upon acceptance of any bid or oral offer and payment to the State Land~~  
24 ~~Registrar in accordance with the terms of lease specified in the notice of lease, the~~  
25 ~~State Land Registrar shall enter into a lease agreement with the person submitting~~  
26 ~~the accepted bid or oral offer pursuant to the terms of lease specified in the notice~~  
27 ~~of lease.~~

28 ~~10. The State Land Registrar may require any person requesting that state~~  
29 ~~land be sold pursuant to the provisions of this section to deposit a sufficient amount~~  
30 ~~of money to pay the costs to be incurred by the State Land Registrar in acting upon~~  
31 ~~the application, including the costs of publication and the expenses of appraisal.~~  
32 ~~This deposit must be refunded whenever the person making the deposit is not the~~  
33 ~~successful bidder. The costs of acting upon the application, including the costs of~~  
34 ~~publication and the expenses of appraisal, must be borne by the successful bidder.~~

35 ~~11. If land that is offered for sale or lease pursuant to this section is not sold~~  
36 ~~or leased at the initial offering of the contract for the sale or lease of the land, the~~  
37 ~~State Land Registrar may offer the land for sale or lease a second time pursuant to~~  
38 ~~this section. If there is a material change relating to the title, zoning or an ordinance~~  
39 ~~governing the use of the land, the State Land Registrar must, as applicable, obtain a~~  
40 ~~new appraisal or new appraisals of the land pursuant to the provisions of NRS~~  
41 ~~321.007 before offering the land for sale or lease a second time. If land that is~~  
42 ~~offered for sale or lease pursuant to this section is not sold or leased at the second~~  
43 ~~offering of the contract for the sale or lease of the land, the State Land Registrar~~  
44 ~~may list the land for sale or lease at the appraised value with a licensed real estate~~  
45 ~~broker, provided that the broker or a person related to the broker within the first~~  
46 ~~degree of consanguinity or affinity does not have an interest in the land or an~~  
47 ~~adjoining property. (Deleted by amendment.)~~

48 **Sec. 11. NRS 321.00051 is hereby amended to read as follows:**

49 321.00051 The Legislature hereby declares that the public policy of this State  
50 is ~~to~~ :

51 1. To continue to seek the acquisition of lands retained by the Federal  
52 Government within the borders of this State, ~~to~~ ; and

53 2. To support the ability of:

1 (a) An owner of private property in this State to use any resources located on  
2 that private property, including, without limitation, the development of any  
3 subsurface rights;

4 (b) The members of the general public in this State to access and use any  
5 public lands in this State, including, without limitation, any public lands  
6 managed and controlled by the Federal Government in this State, for camping,  
7 fishing, hiking, hunting, rock climbing, trail riding and any other recreational  
8 activity; and

9 (c) The residents of this State to use those public lands in a manner which  
10 ensures multiple uses of those public lands for those residents.

11 Sec. 12. Chapter 248 of NRS is hereby amended by adding thereto a new  
12 section to read as follows:

13 1. The sheriff of a county in this State may enter into an agreement with a  
14 federal agency pursuant to which the sheriff and his or her deputies are primarily  
15 responsible for the exercise of law enforcement authority on land managed by the  
16 federal agency, if the agreement:

17 (a) Requires the payment of fair compensation to the sheriff for exercising  
18 law enforcement authority based on federal statutes and regulations on the land  
19 managed by the federal agency; and

20 (b) Provides that the federal agency recognizes the sheriff as the primary law  
21 enforcement authority on the land managed by the federal agency.

22 2. As used in this section:

23 (a) "Exercising law enforcement authority" and "exercise of law  
24 enforcement authority" means:

25 (1) To take any action to investigate, stop, serve process on, search,  
26 arrest, cite, book or incarcerate a person for a federal criminal violation when the  
27 action is based on a federal statute or regulation; or

28 (2) To gain access to or use the correctional or communication facilities  
29 and equipment of any state or local law enforcement agency.

30 (b) "Federal agency" means:

31 (1) The Bureau of Land Management;

32 (2) The Bureau of Reclamation;

33 (3) The National Park Service;

34 (4) The United States Fish and Wildlife Service; or

35 (5) The United States Forest Service.

36 Sec. 13. NRS 248.090 is hereby amended to read as follows:

37 248.090 1. Sheriffs and their deputies are the primary law enforcement  
38 officers in the unincorporated areas of their respective counties. In a county  
39 within the jurisdiction of a metropolitan police department, the sheriff and his or  
40 her deputies are the primary law enforcement officers in the unincorporated  
41 areas of the county and in any incorporated city whose law enforcement agency  
42 has been merged into the metropolitan police department.

43 2. Sheriffs and their deputies shall keep and preserve the peace in their  
44 respective counties, and quiet and suppress all affrays, riots and insurrections, for  
45 which purpose, and for the service of process in civil or criminal cases, and in  
46 apprehending or securing any person for felony, or breach of the peace, they may  
47 call upon the power of their county to aid in such arrest or in preserving the peace.

48 ~~Sec. 11.~~ Sec. 14. This act becomes effective ~~on July 1, 2015,~~ upon  
49 passage and approval.