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SENATE

{ REPORT
{ 106-245

LANDUSKY SCHOOL DISTRICT

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MARCH 20, 2000.—Ordered to be printed
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Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1218]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1218) to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That subject to valid existing rights, the Secretary of the Interior shall issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land, as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

PURPOSE OF THE MEASURE

The purpose of S. 1218 is to authorize the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots.

BACKGROUND AND NEED

Landusky is a small agricultural community in north central Montana. An oversight in the original transfer of land from the Bureau of Land Management did not convey the surface and mineral estates on the two lots that the school has now occupied for a number of decades. The legislation corrects the oversight.

LEGISLATIVE HISTORY

S. 1218 was introduced on June 14, 1999, by Senator Burns. The Subcommittee on Forests and Public Land Management held a hearing on S. 1218 on October 14, 1999. At the business meeting on February 10, 2000, the Committee on Energy and Natural Resources ordered S. 1218 reported favorably with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on February 10, 2000, by a voice vote of a quorum present recommends that the Senate pass S. 1218 if amended as described herein.

COMMITTEE AMENDMENT

During consideration of S. 1218, the Committee adopted an amendment in the nature of a substitute. The amendment deleted a provision in the bill that would have exempted the transfer from the National Environmental Policy Act and the Historic Preservation Act.

SUMMARY OF THE MEASURE

S. 1218 directs the Secretary of the Interior to issue to the Landusky School District a patent, without consideration, for 2.06 acres of the surface and mineral estates for the property described in the bill.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure follow below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 28, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1218, a bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1218—A bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes

S. 1218 would direct the Secretary of the Interior to convey, without consideration, the surface and subsurface mineral estates of about two acres of federal land to the Landusky School District, located in Montana. According to the Bureau of Land Management (BLM), the school district currently operates and maintains an elementary school and auxiliary school buildings on the land and bears full financial responsibility for the property. The land currently generates no federal receipts, and BLM does not expect the land to generate any significant receipts over the next 10 years.

Based on information from BLM, CBO estimates that enacting S. 1218 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1218 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. The Landusky School District would benefit from the opportunity to acquire this property at no cost.

The CBO staff contact is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1218.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1218, as ordered reported.

EXECUTIVE COMMUNICATIONS

On February 10, 2000 the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1218. These reports had not been received at the time the report on S. 1218 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee hearing follows:

STATEMENT OF CARSON (PETE) CULP, ASSISTANT DIRECTOR
OF MINERALS, REALTY, AND RESOURCE PROTECTION, BU-
REAU OF LAND MANAGEMENT

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to testify on S. 1218, the conveyance of certain BLM lands in Landusky, Montana to the Landusky School District. The BLM supports the conveyance of public lands in Montana as described in S. 1218, if amended to make the conveyance subject to the National Environmental Policy Act (NEPA), and does not object to the conveyance in Nevada as described in S. 408.

The BLM supports S. 1218, if amended to make the conveyance of 2.06 acres of public land to the Landusky School District in Landusky, Montana, subject to the National Environmental Policy Act (NEPA). By way of history, the Landusky elementary school was constructed in 1904 and an auxiliary school building was completed in 1992. The subject lots are both adjacent to private lands. The BLM assumed administrative jurisdiction from the U.S. Forest Service in 1966. Also, in 1966, the Landusky townsite withdrawal was established by Public Order No. 3938. While establishing the townsite, BLM officials also created a school reserve and intended to include the Landusky elementary school as part of the school reserve. The old townsite authority would have allowed the patenting of those school lots to an incorporated town, however, since Landusky is not incorporated, those lots were never patented. In 1976, the Federal Land Policy and Management Act (FLPMA) repealed the townsite laws, and the lands still remain under the jurisdiction of the BLM. In 1991, the fair market value for these two lots was \$30,300. The current value of these lots has not yet been determined, but their monetary value is not likely to be significant. The lands are currently being used for their intended purpose, and because the Landusky school district has little funding capability, we recommend that the lots be conveyed with no monetary consideration subject to NEPA requirements.

Mr. Chairman, I appreciate this opportunity to appear before the Subcommittee and discuss these bills. I will be glad to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 1218, as ordered reported.