

SENATE BILL NO. 52—SENATOR MATHEWS

PREFILED JANUARY 28, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing cooperative agreements to allow certain transactions by public agencies with Indian tribes. (BDR 22-198)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to cooperative agreements; revising provisions governing cooperative agreements to allow certain transactions by public agencies with Indian tribes; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 277.050 is hereby amended to read as follows:
2 277.050 1. As used in this section, “public agency” includes , ***without***
3 ***limitation***, the United States or a department or agency of the Federal
4 Government, a county, a public corporation and a public district.
5 2. Without a vote of the electors of a public agency first being had, the
6 governing body of the agency may:
7 (a) Sell or exchange to another public agency, ~~for to~~ the State of Nevada
8 or a department or agency of the state ~~to~~ or ***an Indian tribe; or***
9 (b) Lease to another public agency, ~~for to~~ the State of Nevada or a
10 department or agency of the state ~~to~~ or ***an Indian tribe***, for a term not
11 exceeding 99 years,
12 any real property belonging to it.
13 3. A sale or exchange may be:
14 (a) Negotiated without advertising for public bids.
15 (b) Made for cash or property, or for part cash and property, or for part
16 cash and terms of deferred payments secured by mortgage or deed of trust,
17 but the purchasing public agency or entity or exchanging public agencies or
18 entities shall, except as otherwise provided in NRS 277.053, pay or convey
19 property worth an amount at least equal to the current appraised value of the

1 real property being conveyed or exchanged. Money derived from a sale
2 must be used for capital outlay.

3 4. A lease may be:

4 (a) Negotiated without advertising for public bids.

5 (b) Made for such consideration as is authorized by action of the
6 governing body of the lessor public agency.

7 5. Before ordering the sale, exchange or lease of any such property, the
8 governing body of a public agency shall, in a regular open meeting, by a
9 majority vote of its members, adopt a resolution declaring its intention to
10 sell or exchange it, or a resolution declaring its intention to lease it, as the
11 case may be. The resolution must:

12 (a) Describe the property proposed to be sold, exchanged or leased in
13 such a manner as to identify it.

14 (b) Specify the minimum price, consideration or rent and the terms upon
15 which it will be sold, exchanged or leased.

16 (c) Fix a time not less than 2 weeks thereafter for a public meeting of the
17 governing body, at which objections to the sale, exchange or lease may be
18 made by the electors of the public agency.

19 6. Notice of the adoption of the resolution and of the time and place of
20 the public meeting must be published in a newspaper of general circulation
21 published in the county in which the public agency or any part thereof is
22 situated. The notice must be published not less than twice, on successive
23 days, the last publication to be not less than 7 days before the date of the
24 public meeting.

25 7. Any resolution accepting a bid or any other form of acceptance of a
26 bid by another public agency must direct the chairman, president or other
27 presiding officer of the governing body of the selling, exchanging or lessor
28 public agency to execute a deed or lease and to deliver it to the purchasing,
29 exchanging or lessee public agency **or entity** upon the performance and
30 compliance by it of all the terms and conditions of the contract to be
31 performed concurrently with the delivery.

32 **Sec. 2.** NRS 277.053 is hereby amended to read as follows:

33 277.053 A governing body of a political subdivision may convey real
34 property to another political subdivision **or an Indian tribe** without charge
35 if the property is to be used for a public purpose.

36 **Sec. 3.** NRS 393.326 is hereby amended to read as follows:

37 393.326 1. When the board of trustees of a school district determines
38 that the exchange of real property belonging to the school district for real
39 property belonging to an individual, partnership or corporation, ~~{}~~ other
40 than a public agency as defined in NRS 277.050 ~~{}~~ **or an Indian tribe**, is
41 necessary or for the best interests of the school district, the board shall have
42 the power to exchange such real property, whether acquired by purchase,
43 dedication or otherwise.

1 2. The provisions of subsection 1 shall not be construed to permit the
2 exchange of any real property in contravention of any condition in a gift or
3 devise of real property to the school district.

4 **Sec. 4.** NRS 393.327 is hereby amended to read as follows:

5 393.327 Every exchange with an individual, partnership or corporation
6 ~~{shall}~~ **must** be made in the manner provided in NRS 393.326 to 393.3293,
7 inclusive. Exchanges with public agencies ~~{shall}~~ **and Indian tribes must** be
8 made in the manner provided in NRS 277.050.

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