

Senate Bill No. 52–Senator Mathews

CHAPTER.....

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:

Section 1. NRS 277.050 is hereby amended to read as follows:

277.050 1. As used in this section, “public agency” includes , *without limitation*, the United States or a department or agency of the Federal Government, a county, a public corporation and a public district.

2. Without a vote of the electors of a public agency first being had, the governing body of the agency may:

(a) Sell or exchange to another public agency, ~~{or to}~~ the State of Nevada or a department or agency of the state ~~{}~~ or *an Indian tribe; or*

(b) Lease to another public agency, ~~{or to}~~ the State of Nevada or a department or agency of the state ~~{}~~ *or an Indian tribe*, for a term not exceeding 99 years,
any real property belonging to it.

3. A sale or exchange may be:

(a) Negotiated without advertising for public bids.

(b) Made for cash or property, or for part cash and property, or for part cash and terms of deferred payments secured by mortgage or deed of trust, but the purchasing public agency or entity or exchanging public agencies or entities shall, except as otherwise provided in NRS 277.053, pay or convey property worth an amount at least equal to the current appraised value of the real property being conveyed or exchanged. Money derived from a sale must be used for capital outlay.

4. A lease may be:

(a) Negotiated without advertising for public bids.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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