

ASSEMBLY BILL NO. 312—ASSEMBLYMEN SIBLEY, HARDY, MABEY, CONKLIN, PARKS, ALLEN, ATKINSON, BUCKLEY, CARPENTER, CHRISTENSEN, DENIS, GANSERT, GERHARDT, GIUNCHIGLIANI, GOICOECHEA, GRADY, HETTRICK, HORNE, KIRKPATRICK, MANENDO, MCCLEARY, MUNFORD, OCEGUERA, PERKINS, SEALE, SHERER AND WEBER

MARCH 21, 2005

JOINT SPONSORS: SENATORS TITUS, COFFIN, TOWNSEND, BEERS, CARLTON, AMODEI, CEGAVSKE, HARDY, HECK, LEE AND WIENER

Referred to Committee on Growth and Infrastructure

SUMMARY—Requires certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction. (BDR 26-1089)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 real property; requiring certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes the State Land Registrar to cause the sale of certain
- 2 state lands by public auction or upon sealed bids. (NRS 321.335)
- 3 This bill provides that the sale of such lands must be by public auction.
- 4 Existing law authorizes the board of county commissioners of a county, with
- 5 regard to certain real property owned by the county, to sell the property by public
- 6 auction, sell the property through a licensed real estate broker, or exchange the
- 7 property for other real property of substantially equal value. (NRS 244.281)
- 8 This bill provides that, with the exception of certain conveyances related to the
- 9 vacation of streets and easements, certain conveyances to certain corporations for
- 10 public benefit and nonprofit organizations for the development of affordable



housing, and as provided in certain interlocal agreements, such real property must be disposed of by sale by public auction.

Existing law authorizes the city council or other governing body of a city to acquire, hold and dispose of real property owned by the city. (NRS 266.265, 266.267, 268.008, 268.048-268.058)

This bill provides that, with the exception of certain conveyances for the purpose of industrial development, and certain conveyances to certain corporations for public benefit and nonprofit organizations for the development of affordable housing, the governing body may not sell or otherwise dispose of property owned by the city except by public auction.

Existing law requires an appraisal by at least one competent appraiser prior to a conveyance of land. (NRS 244.281, 266.267, 321.335)

This bill establishes a process for selecting a qualified appraiser and increases the number of appraisals required prior to the conveyance from one to two.

Existing law authorizes a municipality (defined in NRS 496.020 as a county, city or town) to sell, lease or otherwise dispose of an airport, air navigation facility or other related property, or any portion thereof or interest therein, and provides procedures alternative to disposal in the form of certain contracts, leases and arrangements not exceeding 50 years in duration. (NRS 496.080, 496.090)

This bill provides that the sale or disposal of such property must be made by public auction, and prohibits the use of alternative procedures to circumvent the requirement of a public auction.

Existing law authorizes the Airport Authorities of Battle Mountain, Carson City and Washoe County to sell, lease or otherwise dispose of real property.

This bill provides that such disposals of real property must be made by public auction.

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

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When offering any land for sale, the State Land Registrar shall:

(a) Obtain two independent and confidential appraisals of the land before selling it. The appraisals must have been prepared not more than 6 months before the land is offered for sale.

(b) Select the two independent appraisers from a list of appraisers, which list must:

(1) Contain the names of all persons certified as a general appraiser available in the same county as the land to be appraised; and

(2) Be organized at random and rotated from time to time.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b).

2. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and



1 *any relationship with the property owner or the owner of an*
2 *adjoining property.*

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

7 **Sec. 2.** NRS 321.335 is hereby amended to read as follows:

8 321.335 1. Except as *otherwise* provided in NRS 321.125
9 and 321.510, after April 1, 1957, all sales of any lands that the
10 Division is required to hold pursuant to NRS 321.001, including
11 lands subject to contracts of sale that have been forfeited, are
12 governed by the provisions of this section.

13 2. Whenever the State Land Registrar deems it to be in the best
14 interests of the State of Nevada that any lands owned by the State
15 and not used or set apart for public purposes be sold, he may, with
16 the approval of the State Board of Examiners and the Interim
17 Finance Committee, cause those lands to be sold at public auction ,
18 ~~for upon sealed bids,~~ for cash or pursuant to contract of sale, at a
19 price not less than their appraised value plus the costs of appraisal
20 and publication of notice of sale.

21 3. Before offering any land for sale, the State Land Registrar
22 shall cause it to be appraised by a competent appraiser ~~[-]~~ *selected*
23 *pursuant to section 1 of this act.*

24 4. After receipt of the report of the appraiser, the State Land
25 Registrar shall cause a notice of sale to be published once a week for
26 4 consecutive weeks in a newspaper of general circulation published
27 in the county where the land to be sold is situated, and in such other
28 newspapers as he deems appropriate. If there is no newspaper
29 published in the county where the land to be sold is situated, the
30 notice must be so published in a newspaper published in this State
31 having a general circulation in the county where the land is situated.

32 5. The notice must contain:

33 (a) A description of the land to be sold;

34 (b) A statement of the terms of sale;

35 (c) A statement ~~[of whether]~~ *that* the land will be sold at public
36 auction ~~for upon sealed bids~~ to the highest bidder; *and*

37 (d) ~~[If the sale is to be at public auction, the]~~ *The* time and place
38 of *the* sale. ~~[-]~~ *and*

39 ~~—(e) If the sale is to be upon sealed bids, the place where the bids~~
40 ~~will be accepted, the first and last days on which the bids will be~~
41 ~~accepted, and the time when and place where the bids will be~~
42 ~~opened.]~~

43 6. The State Land Registrar may reject any bid ~~for offer to~~
44 ~~purchase~~ if he deems the bid ~~for offer~~ to be:



- 1 (a) Contrary to the public interest.
- 2 (b) For a lesser amount than is reasonable for the land involved.
- 3 (c) On lands which it may be more beneficial for the State to
- 4 reserve.

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

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

12 8. The State Land Registrar may require any person requesting
13 that state land be sold pursuant to the provisions of this section to
14 deposit a sufficient amount of money to pay the costs to be incurred
15 by the State Land Registrar in acting upon the application, including
16 the costs of publication and the expenses of appraisal. This deposit
17 must be refunded whenever the person making the deposit is not the
18 successful bidder. The costs of acting upon the application,
19 including the costs of publication and the expenses of appraisal,
20 must be borne by the successful bidder.

21 **Sec. 3.** Chapter 244 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 *1. When offering any land for sale, the board of county*
24 *commissioners shall:*

25 *(a) Obtain two independent and confidential appraisals of the*
26 *land before selling it. The appraisals must have been prepared not*
27 *more than 6 months before the land is offered for sale.*

28 *(b) Select the two independent appraisers from a list of*
29 *appraisers, which list must:*

30 *(1) Contain the names of all persons certified as a general*
31 *appraiser available in the same county as the land to be appraised;*
32 *and*

33 *(2) Be organized at random and rotated from time to time.*

34 *(c) Verify the qualifications of each appraiser selected*
35 *pursuant to paragraph (b).*

36 *2. An appraiser chosen pursuant to subsection 1 must provide*
37 *a disclosure statement which includes, without limitation, all*
38 *sources of income that may constitute a conflict of interest and*
39 *any relationship with the property owner or the owner of an*
40 *adjoining property.*

41 *3. An appraiser shall not perform an appraisal on any land*
42 *for sale by the board of county commissioners if the appraiser or a*
43 *person related to the appraiser within the first degree of*
44 *consanguinity or affinity has an interest in the land or an*
45 *adjoining property.*



1 **Sec. 4.** NRS 244.281 is hereby amended to read as follows:

2 244.281 Except as otherwise provided in *this section and* NRS
3 244.276, 244.279, 244.2825 ~~{and 244.288:}~~ , 244.284, 244.287,
4 244.288, 244.290 and 278.480 *or an interlocal agreement in*
5 *existence on or before October 1, 2004;*

6 1. When a board of county commissioners has determined by
7 resolution that the sale ~~{for exchange}~~ of any real property owned by
8 the county will be for purposes other than to establish, align, realign,
9 change, vacate or otherwise adjust any street, alley, avenue or other
10 thoroughfare, or portion thereof, or flood control facility within the
11 county and will be in the best interest of the county, it may ~~f:~~

12 ~~—(a) Sell~~ *sell* the property at public auction, in the manner
13 prescribed for the sale of real property in NRS 244.282.

14 ~~{(b) Sell the property through a licensed real estate broker, or if~~
15 ~~there is no real estate broker resident of the county, the board of~~
16 ~~county commissioners may negotiate the sale of the property. No~~
17 ~~exclusive listing may be given. In all listings, the board of county~~
18 ~~commissioners shall specify the minimum price, the terms of sale~~
19 ~~and the commission to be allowed, which must not exceed the~~
20 ~~normal commissions prevailing in the community at the time.~~

21 ~~—(c) Exchange the property for other real property of substantially~~
22 ~~equal value, or for other real property plus an amount of money~~
23 ~~equal to the difference in value, if it has also determined by~~
24 ~~resolution that the acquisition of the other real property will be in~~
25 ~~the best interest of the county.]~~

26 2. Before the board of county commissioners may sell ~~{for~~
27 ~~exchange}~~ any real property as provided in ~~{paragraphs (b) and (c)~~
28 ~~of}~~ subsection 1, it shall:

29 (a) Post copies of the resolution described in subsection 1 in
30 three public places in the county; and

31 (b) Cause to be published at least once a week for 3 successive
32 weeks, in a newspaper qualified under chapter 238 of NRS that is
33 published in the county in which the real property is located, a
34 notice setting forth:

35 (1) A description of the real property proposed to be sold or
36 exchanged in such a manner as to identify it;

37 (2) The minimum price, if applicable, of the real property
38 proposed to be sold or exchanged; and

39 (3) The places at which the resolution described in
40 subsection 1 has been posted pursuant to paragraph (a), and any
41 other places at which copies of that resolution may be obtained.

42 ➤ If no qualified newspaper is published within the county in which
43 the real property is located, the required notice must be published in
44 some qualified newspaper printed in the State of Nevada and having
45 a general circulation within that county.



3. ~~In addition to the requirements set forth in paragraph (b) of subsection 2, in case of:~~

~~—(a) A sale, the notice must state the name of the licensed real estate broker handling the sale and invite interested persons to negotiate with him.~~

~~—(b) An exchange, the notice must call for offers of cash or exchange. The commission shall accept the highest and best offer.~~

~~4.]~~ If the board of county commissioners by its resolution further finds that the property to be sold is worth more than \$1,000, the board shall appoint ~~[one]~~ *two* or more disinterested, competent real estate appraisers *pursuant to section 3 of this act* to appraise the property ~~[.]~~ and, except for property acquired pursuant to NRS 371.047, shall not sell ~~[or exchange]~~ it for less than the appraised value. *The appraisals must have been prepared not more than 6 months before the property is offered for sale.*

~~[5.]~~ 4. If the property is appraised at \$1,000 or more, the board of county commissioners may sell it either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may sell, lease or exchange any real property owned by the county to a person who owns land located adjacent to the property without complying with the provisions of NRS 244.282 if the board has determined by resolution that:

(a) The property is a:

(1) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(2) Parcel that, due to its size, is too small to establish an economically viable use by anyone other than the person who owns land adjacent to the property; or

(3) Parcel which is subject to a deed restriction prohibiting the use of the property by anyone other than the person who owns land adjacent to the property; and

(b) The sale, lease or exchange will be in the best interest of the county.

6. A board of county commissioner that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the property to the person from whom the property was received or acquired by donation, dedication, eminent domain or purchase under the threat of eminent domain pursuant to NRS 244.290.



1 7. As used in this section, "flood control facility" has the
2 meaning ascribed to it in NRS 244.276.

3 **Sec. 5.** NRS 244.290 is hereby amended to read as follows:

4 244.290 1. Except as otherwise provided in NRS 278.480 for
5 the vacation of streets and easements, the board of county
6 commissioners of any county may reconvey all the right, title and
7 interest of the county in and to any land donated, dedicated,
8 acquired in accordance with chapter 37 of NRS, or purchased under
9 the threat of an eminent domain proceeding for a public park, public
10 square, public landing, *public roadway, public right-of-way,*
11 agricultural fairground, aviation field, automobile parking ground or
12 facility for the accommodation of the traveling public, or land held
13 in trust for the public for any other public use or uses, or any part
14 thereof, to the person:

15 (a) By whom the land was donated or dedicated or to his heirs,
16 assigns or successors, upon such terms as may be prescribed by a
17 resolution of the board; or

18 (b) From whom the land was acquired in accordance with the
19 provisions of chapter 37 of NRS, or purchased under the threat of an
20 eminent domain proceeding, or to his heirs, assigns or successors,
21 for an amount equal to the appraised value of the land at the time of
22 the reconveyance ~~[-~~

23 ~~↪ The reconveyance may be made whether the land is held by the~~
24 ~~county solely or as tenant in common with any municipality or other~~
25 ~~political subdivision of this State under the dedication.~~

26 ~~2. If the county has a planning commission, the board shall~~
27 ~~refer the proposal for reconveyance to the planning commission~~
28 ~~which shall consider the proposal and submit its recommendation to~~
29 ~~the board.~~

30 ~~3. The board shall hold at least one public hearing upon the~~
31 ~~proposal for reconveyance. Notice of the time and place of the~~
32 ~~hearing must be:~~

33 ~~—(a) Published at least once in a newspaper of general circulation~~
34 ~~in the county;~~

35 ~~—(b) Mailed to all owners of record of real property located within~~
36 ~~300 feet of the land proposed for reconveyance; and~~

37 ~~—(c) Posted in a conspicuous place on the property and, in this~~
38 ~~case, must set forth additionally the extent of the proposal for~~
39 ~~reconveyance.~~

40 ~~↪ The hearing must be held not less than 10 days nor more than 40~~
41 ~~days after the notice is so published, mailed and posted.~~

42 ~~4.] , as determined by two or more disinterested, competent real~~
43 ~~estate appraisers appointed pursuant to section 3 of this act. The~~
44 ~~appraisals must have been prepared not more than 6 months~~
45 ~~before the property is offered for sale.~~



2. If the board ~~[, after the hearing,]~~ determines that maintenance of the property ~~[by the county solely or with a co-owner]~~ is unnecessarily burdensome *to the county* or that reconveyance would be ~~[otherwise advantageous to]~~ *in the best interest of* the county and its ~~[citizens,]~~ *residents*, the board ~~[shall]~~ *may* formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman *or an authorized representative* of the board shall ~~[execute a deed]~~ *issue a written offer* of reconveyance ~~[on behalf of the county and the county clerk shall attest the deed under the seal of the county.]~~

~~5. The board may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:~~

~~(a) The~~ *to the person from whom the land was received or acquired, or his successor in interest.*

3. *If the person from whom the land was received or acquired, or his successor in interest [refuses] :*

(a) Accepts the offer of reconveyance within 45 days after the date of the offer, the board of county commissioners shall execute a deed of reconveyance.

(b) Refuses to accept the offer of reconveyance or states in writing that he is unable to accept the offer of reconveyance [; or

~~(b) The land has been combined with other land owned by the county and improved in such manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.] , the board of county commissioners may sell or exchange the land pursuant to the provisions of this chapter.~~

Sec. 6. Chapter 266 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. *Except as otherwise provided in NRS 268.048 to 268.058, inclusive, if the city council of a city sells or otherwise disposes of real property owned by the city, the sale or other disposal must be made by public auction.*

Sec. 8. 1. *When offering any land for sale, the city council shall:*

(a) Obtain two independent and confidential appraisals of the land before selling it. The appraisals must have been prepared not more than 6 months before the land is offered for sale.

(b) Select the two independent appraisers from a list of appraisers, which list must:



1 (1) *Contain the names of all persons certified as a general*
2 *appraiser available in the same county as the land to be appraised;*
3 *and*

4 (2) *Be organized at random and rotated from time to time.*

5 (c) *Verify the qualifications of each appraiser selected*
6 *pursuant to paragraph (b).*

7 2. *An appraiser chosen pursuant to subsection 1 must provide*
8 *a disclosure statement which includes, without limitation, all*
9 *sources of income that may constitute a conflict of interest and*
10 *any relationship with the property owner or the owner of an*
11 *adjoining property.*

12 3. *An appraiser shall not perform an appraisal on any land*
13 *for sale by the city council if the appraiser or a person related to*
14 *the appraiser within the first degree of consanguinity or affinity*
15 *has an interest in the land or an adjoining property.*

16 **Sec. 9.** NRS 266.265 is hereby amended to read as follows:

17 266.265 1. The city council may:

18 (a) Control the property of the city.

19 (b) Erect and maintain all buildings, structures and other
20 improvements for the use of the city.

21 (c) ~~[Purchase,]~~ *Except as otherwise provided in section 7 of this*
22 *act, purchase, receive, hold, sell, lease, convey and dispose of*
23 *property, real and personal, for the benefit of the city, both within*
24 *and without the city boundaries, improve and protect such property,*
25 *and do all other things in relation thereto which natural persons*
26 *might do.*

27 2. Except as otherwise provided by law, the city council may
28 not mortgage, hypothecate or pledge any property of the city for any
29 purpose.

30 **Sec. 10.** NRS 266.267 is hereby amended to read as follows:

31 266.267 1. A city council shall not enter into a lease of real
32 property owned by the city for a term of 3 years or longer or enter
33 into a contract for the sale ~~[or exchange]~~ of real property until after
34 the property has been appraised by ~~[one disinterested appraiser]~~ *two*
35 *disinterested appraisers appointed pursuant to section 8 of this act*
36 *employed by the city. Except as otherwise provided in this section*
37 *and paragraph (a) of subsection 1 of NRS 268.050* ~~[, a lease, sale or~~
38 ~~exchange]~~ *:*

39 (a) *The sale or other disposal of real property must be made by*
40 *public auction as required pursuant to section 7 of this act; and*

41 (b) *A lease or sale must be made at or above the current*
42 *appraised value of the real property as determined by the appraiser*
43 *unless the city council, in a public hearing held before the adoption*
44 *of the resolution to lease* ~~[, sell or exchange]~~ *or sell the property,*
45 *determines by affirmative vote of not fewer than two-thirds of the*



1 entire city council based upon specified findings of fact that a lesser
2 value would be in the best interest of the public. For the purposes of
3 this subsection, an appraisal is not considered current if it is more
4 than 3 years old.

5 2. The city council may sell ~~[- lease or exchange]~~ *or lease* real
6 property for less than its appraised value to any person who
7 maintains or intends to maintain a business within the boundaries of
8 the city which is eligible pursuant to NRS 374.357 for an abatement
9 from the sales and use taxes imposed pursuant to chapter 374 of
10 NRS.

11 **Sec. 11.** Chapter 268 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 *Except as otherwise provided in NRS 268.048 to 268.058,*
14 *inclusive, or an interlocal agreement in existence on October 1,*
15 *2004, if the governing body of a city sells or otherwise disposes of*
16 *real property owned by the city, the sale or other disposal must be*
17 *made by public auction.*

18 **Sec. 12.** NRS 268.008 is hereby amended to read as follows:

19 268.008 An incorporated city may:

20 1. Have and use a common seal, which it may alter at pleasure.

21 2. Purchase, receive, hold and use personal and real property
22 wherever situated.

23 3. ~~[- Sell.]~~ *Except as otherwise provided in section 11 of this*
24 *act, sell,* convey and dispose of such personal and real property for
25 the common benefit.

26 4. Determine what are public uses with respect to powers of
27 eminent domain.

28 5. Acquire, own and operate a public transit system both within
29 and without the city.

30 6. Receive bequests, devises, gifts and donations of all kinds of
31 property wherever situated in fee simple, in trust or otherwise, for
32 charitable or other purposes and do anything necessary to carry out
33 the purposes of such bequests, devises, gifts and donations with full
34 power to manage, sell, lease or otherwise dispose of such property
35 in accordance with the terms of such bequest, devise, gift or
36 donation.

37 **Sec. 13.** NRS 496.080 is hereby amended to read as follows:

38 496.080 1. Except as *otherwise provided in subsection 2 or*
39 *as* may be limited by the terms and conditions of any grant, loan or
40 agreement pursuant to NRS 496.180, every municipality may, by
41 sale, lease or otherwise, dispose of any airport, air navigation
42 facility, or other property, or portion thereof or interest therein,
43 acquired pursuant to this chapter.

44 2. The disposal by sale, lease or otherwise ~~[- shall be in]~~ *must*
45 *be:*



1 (a) *Made by public auction; and*

2 (b) *In* accordance with the laws of this State, or provisions of
3 the charter of the municipality, governing the disposition of other
4 property of the municipality, except that in the case of disposal to
5 another municipality or agency of the State or Federal Government
6 for aeronautical purposes incident thereto, the sale, lease or other
7 disposal may be effected in such manner and upon such terms as the
8 governing body of the municipality may deem in the best interest of
9 the municipality, and except as otherwise provided in subsections 3,
10 4 and 5 of NRS 496.090.

11 **Sec. 14.** NRS 496.090 is hereby amended to read as follows:

12 496.090 1. In operating an airport or air navigation facility or
13 any other facilities appertaining to the airport owned, leased or
14 controlled by a municipality, the municipality may, except as
15 limited by the terms and conditions of any grant, loan or agreement
16 pursuant to NRS 496.180, enter into:

17 (a) Contracts, leases and other arrangements with any persons:

18 (1) Granting the privilege of using or improving the airport
19 or air navigation facility, or any portion or facility thereof, or space
20 therein, for commercial purposes. The municipality may, if it
21 determines that an improvement benefits the municipality,
22 reimburse the person granted the privilege for all or any portion of
23 the cost of making the improvement.

24 (2) Conferring the privilege of supplying goods,
25 commodities, things, services or facilities at the airport or air
26 navigation facility or other facilities.

27 (3) Making available services to be furnished by the
28 municipality or its agents or by other persons at the airport or air
29 navigation facility or other facilities.

30 (4) Providing for the maintenance of the airport or air
31 navigation facility, or any portion or facility thereof, or space
32 therein.

33 (5) Allowing residential occupancy of property acquired by
34 the municipality.

35 (b) Contracts for the sale of revenue bonds or other securities
36 whose issuance is authorized by the Local Government Securities
37 Law or NRS 496.150 or 496.155, for delivery within 10 years after
38 the date of the contract.

39 2. In each case the municipality may establish the terms and
40 conditions and fix the charges, rentals or fees for the privileges or
41 services, which must be reasonable and uniform for the same class
42 of privilege or service and must be established with due regard to
43 the property and improvements used and the expenses of operation
44 to the municipality.



1 3. ~~[As]~~ *Except as otherwise provided in this subsection, and*
2 *as* an alternative to the procedure provided in subsection 2 of NRS
3 496.080, to the extent of its applicability, the governing body of any
4 municipality may authorize it to enter into any such contracts, leases
5 and other arrangements with any persons, as provided in this
6 section, for a period not exceeding 50 years, upon such terms and
7 conditions as the governing body deems proper. *The provisions of*
8 *this subsection must not be used to circumvent the requirement set*
9 *forth in subsection 2 of NRS 496.080 that the disposal of real*
10 *property be made by public auction.*

11 4. Before entering into any such contract, lease or other
12 arrangements, the municipality shall publish notice of its intention
13 in general terms in a newspaper of general circulation within the
14 municipality at least once a week for 21 days or three times during a
15 period of 10 days. If there is not a newspaper of general circulation
16 within the municipality, the municipality shall post a notice of its
17 intention in a public place at least once a week for 30 days. The
18 notice must specify that a regular meeting of the governing body is
19 to be held, at which meeting any interested person may appear. No
20 such contract, lease or other arrangement may be entered into by the
21 municipality until after the notice has been given and a meeting held
22 as provided in this subsection.

23 5. Any member of a municipality's governing body may vote
24 on any such contract, lease or other arrangement notwithstanding
25 the fact that the term of the contract, lease or other arrangement may
26 extend beyond his term of office.

27 **Sec. 15.** Section 10 of the Airport Authority Act for Battle
28 Mountain, being chapter 458, Statutes of Nevada 1983, as amended
29 by chapter 230, Statutes of Nevada 1991, at page 508, is hereby
30 amended to read as follows:

31 Sec. 10. Authority: General powers. The Authority
32 may do all things necessary to accomplish the purposes of
33 this act. The Authority may, by reason of example and not of
34 limitation:

35 1. Have perpetual succession and sue and be sued.

36 2. Plan, establish, acquire, construct, improve and
37 operate an airport within Lander County.

38 3. Acquire real or personal property or any interest
39 therein by gift, lease or purchase for any of the purposes
40 provided in this section, including the elimination, prevention
41 or marking of airport hazards.

42 4. ~~[Sell,]~~ *Except as otherwise provided in this*
43 *subsection, sell,* lease or otherwise dispose of any real
44 property. *If the Authority sells or otherwise disposes of real*



property, the sale or other disposal must be made by public auction.

5. Acquire real property or any interest therein in areas most affected by aircraft noise for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

6. Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.

7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.

8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

9. Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the Authority for submission to the Board of County Commissioners of Lander County. The Authority may prepare and adopt for approval by the Board of County Commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the Authority. The zoning plan must be consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.

10. Have control of its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Lander County or Battle Mountain, with the consent of the county or municipality and subject to such terms and conditions as may be agreed upon.

12. Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to



1 accomplish any purpose authorized by this act. The Authority
2 is liable for actual damage done.

3 13. Provide its own fire protection, police and crash and
4 rescue service.

5 14. Contract with carriers with regard to landings and
6 the accommodations of the employees and passengers of such
7 carriers.

8 15. Contract with persons or corporations to provide
9 goods and services for the use of the employees and
10 passengers of the carriers and the employees of the Authority,
11 as necessary or incidental to the operation of the airports.

12 16. Hire and retain officers, agents and employees,
13 including a fiscal adviser, engineers, attorneys or other
14 professional or specialized personnel.

15 17. Adopt regulations governing vehicular traffic on its
16 airports , relating , but not limited to , speed restrictions,
17 stopping, standing and parking, loading zones, turning
18 movements and parking meters. It is unlawful for any person
19 to do any act forbidden or fail to perform any act required in
20 such regulations.

21 **Sec. 16.** Section 9 of the Airport Authority Act for Carson
22 City, being chapter 844, Statutes of Nevada 1989, at page 2026, is
23 hereby amended to read as follows:

24 Sec. 9. Board: General powers. The Board may:

25 1. Acquire real and personal property by gift or devise
26 for the purposes provided in this act.

27 2. With the approval of the Board of Supervisors:

28 (a) Acquire real and personal property by purchase or
29 lease for the purposes provided in this act.

30 (b) ~~Lease,;~~ *Except as otherwise provided in this*
31 *paragraph, lease, sell or otherwise dispose of any property. If*
32 *the Board sells or otherwise disposes of real property, the*
33 *sale or other disposal must be made by public auction.*

34 3. Recommend to the Board of Supervisors any changes
35 in the laws governing zoning necessary to comply with the
36 regulations of the Federal Aviation Administration or to limit
37 the uses of the area near the airport to those least affected by
38 noise.

39 4. Use, in the performance of its functions, the officers,
40 employees, facilities and equipment of Carson City, with the
41 consent of Carson City and subject to such terms and
42 conditions as may be agreed upon by the Board and the Board
43 of Supervisors.

44 5. Provide emergency services for the Authority.



6. Contract with any person, including any person who transports passengers or cargo by air, to provide goods and services as necessary or desirable to the operation of the airport. Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.

7. Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

8. Apply to any public or private source for loans, grants, guarantees or other financial assistance.

9. Establish fees, rates and other charges for the use of the airport.

10. Regulate vehicular traffic at the airport.

11. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.

12. Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.

Sec. 17. Section 10 of the Airport Authority Act for Washoe County, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 359, Statutes of Nevada 1997, at page 1299, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority has perpetual succession and may, by way of example and not of limitation:

1. Sue and be sued.

2. Plan, establish, acquire, construct, improve and operate one or more airports within Washoe County.

3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.

4. ~~[Sell,]~~ *Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property in such manner and upon such terms and conditions as the Board deems proper and in the best interests of the Authority. If the Board or Authority sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.*

5. Acquire real property or any interest therein in areas most affected by the noise of aircraft for the purpose of resale



1 or lease thereof, subject to restrictions limiting its use to
2 industrial or other purposes least affected by aircraft noise.

3 6. Enter into agreements with Washoe County and the
4 cities of Reno and Sparks to acquire, by lease, gift, purchase
5 or otherwise, any airport of such county or municipality and
6 to operate that airport.

7 7. Exercise the power of eminent domain and dominant
8 eminent domain in the manner provided by law for the
9 condemnation by a city of private property for public use to
10 take any property necessary to the exercise of the powers
11 granted, within Washoe County.

12 8. Apply directly to the proper federal, state, county and
13 municipal officials and agencies or to any other source, public
14 or private, for loans, grants, guarantees or other financial
15 assistance in aid of airports operated by it, and accept the
16 same.

17 9. Study and recommend to the Board of County
18 Commissioners of Washoe County and the city councils of
19 the cities of Reno and Sparks zoning changes in the area of
20 any airport operated by the Authority with respect to noise,
21 height and aviation obstructions in order to enable the
22 Authority to meet the requirements of any regulations of the
23 Federal Aviation Administration.

24 10. Control its airports with the right and duty to
25 establish and charge fees, rentals, rates and other charges, and
26 collect revenues therefrom, not inconsistent with the rights of
27 the holders of its bonds, and enter into agreements with
28 carriers for the payment of landing fees, rental rates and other
29 charges.

30 11. Use in the performance of its functions the officers,
31 agents, employees, services, facilities, records and equipment
32 of Washoe County or the cities of Reno and Sparks, with the
33 consent of the respective county or municipality, and subject
34 to such terms and conditions as may be agreed upon.

35 12. Enter upon such lands, waters or premises as in the
36 judgment of the Authority may be necessary for the purpose
37 of making surveys, soundings, borings and examinations to
38 accomplish any purpose authorized by this act. The Authority
39 is liable for actual damage done.

40 13. Provide its own fire protection, police and crash and
41 rescue service. A person employed by the Authority to
42 provide police service to the Authority has the powers and
43 must have the training required of a law enforcement officer
44 pursuant to Part 107 of Title 14 of the Code of Federal
45 Regulations, as those provisions existed on January 1, 1997.



1 A person employed by the Authority to provide police service
2 shall be deemed to be a peace officer for the purposes of
3 determining retirement benefits under the Public Employees'
4 Retirement System.

5 14. Contract with carriers with regard to landings and
6 the accommodations of the employees and passengers of
7 those carriers.

8 15. Contract with persons or corporations to provide
9 goods and services for the use of the employees and
10 passengers of the carriers and the employees of the Authority,
11 as necessary or incidental to the operation of the airports.

12 16. Hire and retain officers, agents and employees,
13 including a fiscal adviser, engineers, attorneys or other
14 professional or specialized personnel.

15 17. Adopt regulations governing vehicular traffic on the
16 public areas of its airports , relating to , but not limited to ,
17 speed restrictions, turning movements and other moving
18 violations. It is unlawful for any person to do any act
19 forbidden or fail to perform any act required in such
20 regulations.

21 18. Adopt regulations governing parking, loading zones
22 and ground transportation operations on its airports and
23 governing traffic on restricted areas of its airports. The
24 Authority may establish a system of:

25 (a) Administrative procedures for review of alleged
26 violations of such regulations; and

27 (b) Remedies for violations of such regulations, including
28 the imposition of administrative fines to be imposed upon and
29 collected from persons violating such regulations.

30 **Sec. 18.** This act becomes effective on July 1, 2005.



