

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

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

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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 or upon sealed bids followed by oral offers. (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.

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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 or upon sealed bids followed by oral offers; 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 or lease of such lands must be upon sealed bids
- 4 followed by oral offers.
- 5 Existing law authorizes the board of county commissioners of a county, with
- 6 regard to certain real property owned by the county, to sell the property by public
- 7 auction, sell the property through a licensed real estate broker, or exchange the
- 8 property for other real property of substantially equal value. (NRS 244.281)



This bill provides that, with the exception of certain conveyances related to the vacation of streets and easements, economic development or redevelopment, certain conveyances to certain corporations for 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 or lease upon sealed bids followed by oral offers.

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, economic development or redevelopment, 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 lease property owned by the city except upon sealed bids followed by oral offers.

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.

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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. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law 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) Obtain two independent and confidential appraisals of the land before selling or leasing it. The appraisals 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 two independent appraisers from the list of appraisers established pursuant to subsection 2.*



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

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

8 (a) Contain the names of all persons qualified to act as a  
9 general appraiser in the same county as the land that may be  
10 appraised; and

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

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

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

22 5. If a lease of land is for residential property and the term of  
23 the lease is 1 year or less, the State Land Registrar shall obtain an  
24 analysis of the market value of similar rental properties prepared  
25 by a licensed real estate broker or salesman when offering such a  
26 property for lease.

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

28 321.335 1. Except as *otherwise* provided in NRS 321.125 ,  
29 ~~and~~ 321.510, 322.063, 322.065 or 322.075, *except as otherwise*  
30 *require by federal law and except for an agreement entered into*  
31 *pursuant to the provisions of NRS 277.080 to 277.170, inclusive,*  
32 *or a lease of residential property with a term of 1 year or less,* after  
33 April 1, 1957, all sales *or leases* of any lands that the Division is  
34 required to hold pursuant to NRS 321.001, including lands subject  
35 to contracts of sale that have been forfeited, are governed by the  
36 provisions of this section.

37 2. Whenever the State Land Registrar deems it to be in the best  
38 interests of the State of Nevada that any lands owned by the State  
39 and not used or set apart for public purposes be sold ~~or~~ *or leased*, he  
40 may, with the approval of the State Board of Examiners and the  
41 Interim Finance Committee, cause those lands to be sold ~~at public~~  
42 ~~auction or~~ *or leased* upon sealed bids, *or oral offer after the*  
43 *opening of sealed bids* for cash or pursuant to a contract of sale ~~or~~  
44 *or lease*, at a price not less than ~~their~~ *the highest* appraised value



1 *for the lands* plus the costs of appraisal and publication of notice of  
2 sale ~~[ ]~~ *or lease*.

3 3. Before offering any land for sale ~~[ ]~~ *or lease*, the State Land  
4 Registrar shall cause it to be appraised by ~~[a competent appraiser.]~~  
5 *competent appraisers selected pursuant to section 1 of this act.*

6 4. After receipt of the report of the ~~[appraiser,]~~ *appraisers*, the  
7 State Land Registrar shall cause a notice of sale *or lease* to be  
8 published once a week for 4 consecutive weeks in a newspaper of  
9 general circulation published in the county where the land to be sold  
10 *or leased* is situated, and in such other newspapers as he deems  
11 appropriate. If there is no newspaper published in the county where  
12 the land to be sold *or leased* is situated, the notice must be so  
13 published in a newspaper published in this State having a general  
14 circulation in the county where the land is situated.

15 5. The notice must contain:

16 (a) A description of the land to be sold ~~[ ]~~ *or leased*;

17 (b) A statement of the terms of sale ~~[ ]~~ *or lease*;

18 (c) A statement ~~[of whether]~~ *that* the land will be sold ~~[at public~~  
19 ~~auction or upon sealed bids to the highest bidder;~~

20 ~~—(d) If the sale is to be at public auction, the time and place of~~  
21 ~~sale; and~~

22 ~~—(e) If the sale is to be upon sealed bids, the]~~ *pursuant to*  
23 *subsection 6; and*

24 (d) *The place where the sealed bids will be accepted, the first*  
25 *and last days on which the sealed bids will be accepted, and the time*  
26 *when and place where the sealed bids will be opened [ ] and oral*  
27 *offers submitted pursuant to subsection 6 will be accepted.*

28 6. *At the time and place fixed in the notice published*  
29 *pursuant to subsection 4, all sealed bids which have been received*  
30 *must, in public session, be opened, examined and declared by the*  
31 *State Land Registrar. Of the proposals submitted which conform*  
32 *to all terms and conditions specified in the notice published*  
33 *pursuant to subsection 4 and which are made by responsible*  
34 *bidders, the bid which is the highest must be finally accepted,*  
35 *unless a higher oral offer is accepted or the State Land Registrar*  
36 *rejects all bids and offers. Before finally accepting any written bid,*  
37 *the State Land Registrar shall call for oral offers. If, upon the call*  
38 *for oral offers, any responsible person offers to buy or lease the*  
39 *land upon the terms and conditions specified in the notice, for a*  
40 *price exceeding by at least 5 percent the highest written bid, then*  
41 *the highest oral offer which is made by a responsible person must*  
42 *be finally accepted.*

43 7. The State Land Registrar may reject any bid or *oral* offer to  
44 purchase *or lease submitted pursuant to subsection 6*, if he deems  
45 the bid or offer to be:



(a) Contrary to the public interest.

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

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

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

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

~~[8-]~~ 9. *Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.*

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

*11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must obtain a new appraisal of the land pursuant to the provisions of section 1 of this act before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.*

Sec. 3. NRS 322.060 is hereby amended to read as follows:

322.060 ~~[Leases]~~ *Subject to the provisions of NRS 321.335, leases* or easements authorized pursuant to the provisions of NRS



322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

**Sec. 4.** Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

**Sec. 5.** *1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, and except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:*

*(a) Obtain two independent and confidential appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.*

*(b) Select the two independent appraisers 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 board of county commissioners as to the qualifications of the appraiser is conclusive.*

*2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:*

*(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property 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 that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.*

4. *An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.*

**Sec. 6.** 1. *A board of county commissioners may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:*

(a) *Without first offering the real property to the public; and*

(b) *For less than fair market value of the real property.*

2. *Before a board of county commissioners may sell, lease or otherwise dispose of real property pursuant to this section, the board must:*

(a) *Obtain an appraisal of the real property pursuant to section 4 of this act; and*

(b) *Adopt a resolution finding that it is in the best interest of the public to sell, lease or otherwise dispose of the real property:*

(1) *Without offering the real property to the public; and*

(2) *For less than fair market value of the real property.*

3. *As used in this section:*

(a) *“Economic development” means:*

(1) *The establishment of new commercial enterprises or facilities within the county;*

(2) *The support, retention or expansion of existing commercial enterprises or facilities within the county;*

(3) *The establishment, retention or expansion of public, quasi-public or other facilities or operations within the county;*

(4) *The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or*

(5) *Any combination of the activities described in subparagraphs (1) to (4), inclusive,*

↳ *to create and retain opportunities of employment for the residents of the county.*

(b) *“Redevelopment” has the meaning ascribed to it in NRS 279.408.*





1       **Sec. 7.** NRS 244.281 is hereby amended to read as follows:

2       244.281 Except as otherwise provided in *this section and*  
3 *section 5 of this act and NRS 244.189, 244.276, 244.279, 244.2825*  
4 ~~*[and 244.288:]*~~ *, 244.284, 244.287, 244.290, 278.479 to 278.4965,*  
5 *inclusive, except as otherwise required by federal law or pursuant*  
6 *to a cooperative agreement entered into pursuant to NRS 277.050*  
7 *or 277.053 or an interlocal agreement in existence on or before*  
8 *October 1, 2004, and except if the board of county commissioners*  
9 *is entering into a joint development agreement for real property*  
10 *owned by the county to which the board of county commissioners*  
11 *is a party or if the sale or lease of real property larger than 1 acre*  
12 *is approved by the voters at a primary or general election or*  
13 *special election:*

14       1. When a board of county commissioners has determined by  
15 resolution that the sale or ~~[exchange]~~ *lease* of any real property  
16 owned by the county will be for purposes other than to establish,  
17 align, realign, change, vacate or otherwise adjust any street, alley,  
18 avenue or other thoroughfare, or portion thereof, or flood control  
19 facility within the county and will be in the best interest of the  
20 county, it may:

21       (a) Sell the property ~~[at public auction,]~~ in the manner  
22 prescribed for the sale of real property in NRS 244.282.

23       (b) ~~[Sell the property through a licensed real estate broker, or if~~  
24 ~~there is no real estate broker resident of the county, the board of~~  
25 ~~county commissioners may negotiate the sale of the property. No~~  
26 ~~exclusive listing may be given. In all listings, the board of county~~  
27 ~~commissioners shall specify the minimum price, the terms of sale~~  
28 ~~and the commission to be allowed, which must not exceed the~~  
29 ~~normal commissions prevailing in the community at the time.~~

30       —(c) ~~Exchange the property for other real property of substantially~~  
31 ~~equal value, or for other real property plus an amount of money~~  
32 ~~equal to the difference in value, if it has also determined by~~  
33 ~~resolution that the acquisition of the other real property will be in~~  
34 ~~the best interest of the county.] *Lease the property in the manner*~~  
35 ~~*prescribed for the lease of real property in NRS 244.283.*~~

36       2. Before the board of county commissioners may sell ~~[or~~  
37 ~~exchange]~~ *or lease* any real property as provided in ~~[paragraphs (b)~~  
38 ~~and (c) of]~~ subsection 1, it shall:

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

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





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

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

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

➤ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having 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 *or leased* is worth more than \$1,000, the board shall appoint ~~one~~ *two* or more disinterested, competent real estate appraisers *pursuant to section 4 of this act* to appraise the property ~~and~~ and, except for property acquired pursuant to NRS 371.047, shall not sell or ~~exchange~~ *lease* it for less than the *highest* appraised value.

~~5.]~~ 4. If the property is appraised at \$1,000 or more, the board of county commissioners may ~~sell it~~ :

*(a) Lease the property; or*

*(b) Sell the property* 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 or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:*

*(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:*

*(1) The real property is a:*

*(I) 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;*



1           (II) *Parcel that, as a result of its size, is too small to*  
2 *establish an economically viable use by anyone other than the*  
3 *person who owns real property adjacent to the real property for*  
4 *sale or lease; or*

5           (III) *Parcel which is subject to a deed restriction*  
6 *prohibiting the use of the real property by anyone other than the*  
7 *person who owns real property adjacent to the real property for*  
8 *sale or lease; and*

9           (2) *The sale will be in the best interest of the county.*

10          (b) *Another governmental entity if:*

11           (1) *The sale or lease restricts the use of the real property to*  
12 *a public use; and*

13           (2) *The board adopts a resolution finding that the sale or*  
14 *lease will be in the best interest of the county.*

15          6. *A board of county commissioners that disposes of real*  
16 *property pursuant to subsection 4 is not required to offer to*  
17 *reconvey the real property to the person from whom the real*  
18 *property was received or acquired by donation or dedication.*

19          7. *If real property that is offered for sale or lease pursuant to*  
20 *this section is not sold or leased at the initial offering of the*  
21 *contract for the sale or lease of the real property, the board of*  
22 *county commissioners may offer the real property for sale or lease*  
23 *a second time pursuant to this section. If there is a material*  
24 *change relating to the title, zoning or an ordinance governing the*  
25 *use of the real property, the board of county commissioners must*  
26 *obtain a new appraisal of the real property pursuant to the*  
27 *provisions of section 4 of this act before offering the real property*  
28 *for sale or lease a second time. If real property that is offered for*  
29 *sale or lease pursuant to this section is not sold or leased at the*  
30 *second offering of the contract for the sale or lease of the real*  
31 *property, the board of county commissioners may list the real*  
32 *property for sale or lease at the appraised value with a licensed*  
33 *real estate broker, provided that the broker or a person related to*  
34 *the broker within the first degree of consanguinity or affinity does*  
35 *not have an interest in the real property or an adjoining property.*

36          8. As used in this section, "flood control facility" has the  
37 meaning ascribed to it in NRS 244.276.

38          **Sec. 8.** NRS 244.290 is hereby amended to read as follows:

39          244.290 1. Except as otherwise provided in NRS 278.480 for  
40 the vacation of streets and easements, the board of county  
41 commissioners of any county may reconvey all the right, title and  
42 interest of the county in and to any land donated, dedicated,  
43 acquired in accordance with chapter 37 of NRS, or purchased under  
44 the threat of an eminent domain proceeding for a public park, public  
45 square, public landing, *public roadway, public right-of-way,*



1 agricultural fairground, aviation field, automobile parking ground or  
2 facility for the accommodation of the traveling public, or land held  
3 in trust for the public for any other public use or uses, or any part  
4 thereof, to the person:

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

8 (b) From whom the land was acquired in accordance with the  
9 provisions of chapter 37 of NRS, or purchased under the threat of an  
10 eminent domain proceeding, or to his heirs, assigns or successors,  
11 for an amount equal to the ~~[appraised value of]~~ *amount paid for* the  
12 land ~~[at the time of the reconveyance].~~

13 ~~➔ The reconveyance may be made whether the land is held by the~~  
14 ~~county solely or as tenant in common with any municipality or other~~  
15 ~~political subdivision of this State under the dedication.~~

16 ~~—2. If the county has a planning commission, the board shall~~  
17 ~~refer the proposal for reconveyance to the planning commission~~  
18 ~~which shall consider the proposal and submit its recommendation to~~  
19 ~~the board.~~

20 ~~—3. The board shall hold at least one public hearing upon the~~  
21 ~~proposal for reconveyance. Notice of the time and place of the~~  
22 ~~hearing must be:~~

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

25 ~~—(b) Mailed to all owners of record of real property located within~~  
26 ~~300 feet of the land proposed for reconveyance; and~~

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

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

32 ~~—4.] by the board.~~

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

43 ~~—5. The board may sell land which has been donated, dedicated,~~  
44 ~~acquired in accordance with chapter 37 of NRS, or purchased under~~  
45 ~~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 real property 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 lease the real property in accordance with the provisions of this chapter.~~

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

266.265 1. The city council may:

(a) Control the property of the city.

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

(c) ~~[Purchase,]~~ *Except as otherwise provided in sections 12, 13 and 14 of this act, purchase,* receive, hold, sell, lease, convey and dispose of property, real and personal, for the benefit of the city, both within and without the city boundaries, improve and protect such property, and do all other things in relation thereto which natural persons might do.

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

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

266.267 1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale ~~[or exchange]~~ of real property until after the property has been appraised ~~[by one disinterested appraiser employed by the city.]~~ *pursuant to section 12 of this act.* Except as otherwise provided in this section and paragraph (a) of subsection 1 of NRS 268.050 ~~[, a lease, sale or exchange]~~ :

(a) *The sale or lease of real property must be made in the manner required pursuant to sections 12, 13 and 14 of this act; and*

(b) *A lease or sale* must be made at or above the ~~[current]~~ *highest* appraised value of the real property as determined ~~[by the appraiser unless the city council, in a public hearing held before the~~



~~adoption of the resolution to lease, sell or exchange the property, determines by affirmative vote of not fewer than two thirds of the entire city council based upon specified findings of fact that a lesser value would be in the best interest of the public. For the purposes of this subsection, an appraisal is not considered current if it is more than 3 years old.]~~ *pursuant to the appraisal conducted pursuant to section 12 of this act.*

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

**Sec. 11.** Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 15, inclusive, of this act.

**Sec. 12.** *1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:*

*(a) Obtain two independent and confidential appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and have been prepared not more than 6 months before the date on which real property is offered for sale or lease.*

*(b) Select the two independent appraisers 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 governing body as to the qualifications of the appraiser is conclusive.*

*2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:*

*(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and*

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



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

6       4. An appraiser shall not perform an appraisal on any real  
7 property offered for sale or lease by the governing body if the  
8 appraiser or a person related to the appraiser within the first  
9 degree of consanguinity or affinity has an interest in the real  
10 property or an adjoining property.

11       **Sec. 13.** Except as otherwise provided in this section and  
12 section 15 of this act, NRS 268.048 to 268.058, inclusive, and  
13 278.479 to 278.4965, inclusive, except as otherwise provided by  
14 federal law or pursuant to a cooperative agreement entered into  
15 pursuant to NRS 277.050 or 277.053 or an interlocal agreement in  
16 existence on October 1, 2004, and except if the governing body is  
17 entering into a joint development agreement for real property  
18 owned by the city to which the governing body is a party or if the  
19 sale or lease of real property larger than 1 acre is approved by the  
20 voters at a primary or general election, primary or general city  
21 election or special election:

22       1. If a governing body has determined by resolution that the  
23 sale or lease of any real property owned by the city will be in the  
24 best interest of the city, it may sell or lease the real property in  
25 the manner prescribed for the sale or lease of real property in  
26 section 14 of this act.

27       2. Before the governing body may sell or lease any real  
28 property as provided in subsection 1, it shall:

29       (a) Post copies of the resolution described in subsection 1 in  
30 three public places in the city; 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 leased 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 leased; 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  
43 which the real property is located, the required notice must be  
44 published in some qualified newspaper printed in the State of  
45 Nevada and having a general circulation within that county.



1       3. If the governing body by its resolution finds additionally  
2 that the real property to be sold is worth more than \$1,000, the  
3 board shall conduct an appraisal pursuant to section 12 of this act  
4 to determine the value of the real property and, except for real  
5 property acquired pursuant to NRS 371.047, shall not sell or lease  
6 it for less than the highest appraised value.

7       4. If the real property is appraised at \$1,000 or more, the  
8 governing body may:

9       (a) Lease the real property; or

10       (b) Sell the real property for:

11           (1) Cash; or

12           (2) Not less than 25 percent cash down and upon deferred  
13 payments over a period of not more than 10 years, secured by a  
14 mortgage or deed of trust bearing such interest and upon such  
15 further terms as the governing body may specify.

16       5. A governing body may sell or lease any real property  
17 owned by the city without complying with the provisions of  
18 sections 12, 13 and 14 of this act to:

19       (a) A person who owns real property located adjacent to the  
20 real property to be sold or leased if the governing body has  
21 determined by resolution that:

22           (1) The real property is a:

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

27               (II) Parcel that, as a result of its size, is too small to  
28 establish an economically viable use by anyone other than the  
29 person who owns real property adjacent to the real property  
30 offered for sale or lease; or

31               (III) Parcel which is subject to a deed restriction  
32 prohibiting the use of the real property by anyone other than the  
33 person who owns real property adjacent to the real property  
34 offered for sale or lease; and

35           (2) The sale or lease will be in the best interest of the city.

36       (b) Another governmental entity if:

37           (1) The sale or lease restricts the use of the real property to  
38 a public use; and

39           (2) The governing body adopts a resolution finding that the  
40 sale or lease will be in the best interest of the city.

41       6. A governing body that disposes of real property pursuant to  
42 subsection 5 is not required to offer to reconvey the real property  
43 to the person from whom the real property was received or  
44 acquired by donation or dedication.





7. *If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of section 12 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.*

**Sec. 14.** *1. Except as otherwise provided in this section and section 15 of this act and NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:*

*(a) Describe the property proposed to be sold or leased in such a manner as to identify it;*

*(b) Specify the minimum price and the terms upon which the property will be sold or leased; and*

*(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.*

*2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:*

*(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and*

*(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified*



1 under chapter 238 of NRS that is published in the county in which  
2 the real property is located, a notice setting forth:

3 (1) A description of the real property proposed to be sold or  
4 leased at auction in such a manner as to identify it;

5 (2) The minimum price of the real property proposed to be  
6 sold or leased at auction; and

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

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

14 3. At the time and place fixed in the resolution for the  
15 meeting of the board, all sealed bids which have been received  
16 must, in public session, be opened, examined and declared by the  
17 governing body. Of the proposals submitted which conform to all  
18 terms and conditions specified in the resolution of intention to sell  
19 or lease and which are made by responsible bidders, the bid which  
20 is the highest must be finally accepted, unless a higher oral bid is  
21 accepted or the governing body rejects all bids.

22 4. Before accepting any written bid, the governing body shall  
23 call for oral bids. If, upon the call for oral bidding, any  
24 responsible person offers to buy or lease the property upon the  
25 terms and conditions specified in the resolution, for a price  
26 exceeding by at least 5 percent the highest written bid, then the  
27 highest oral bid which is made by a responsible person must be  
28 finally accepted.

29 5. The final acceptance by the governing body may be made  
30 either at the same session or at any adjourned session of the same  
31 meeting held within the 10 days next following.

32 6. The governing body may, either at the same session or at  
33 any adjourned session of the same meeting held within the 10 days  
34 next following, if it deems the action to be for the best public  
35 interest, reject any and all bids, either written or oral, and  
36 withdraw the property from sale or lease.

37 7. Any resolution of acceptance of any bid made by the  
38 governing body must authorize and direct the chairman to execute  
39 a deed or lease and to deliver it upon performance and compliance  
40 by the purchaser or lessor with all the terms or conditions of his  
41 contract which are to be performed concurrently therewith.

42 **Sec. 15.** 1. A governing body may sell, lease or otherwise  
43 dispose of real property for the purposes of redevelopment or  
44 economic development:

45 (a) Without first offering the real property to the public; and



1       (b) *For less than fair market value of the real property.*  
2       2. *Before a governing body may sell, lease or otherwise*  
3 *dispose of real property pursuant to this section, the governing*  
4 *body must:*

5       (a) *Obtain an appraisal of the property pursuant to section 12*  
6 *of this act; and*

7       (b) *Adopt a resolution finding that it is in the best interests of*  
8 *the public to sell, lease or otherwise dispose of the property:*

9           (1) *Without offering the property to the public; and*

10          (2) *For less than fair market value of the real property.*

11       3. *As used in this section:*

12       (a) *“Economic development” means:*

13           (1) *The establishment of new commercial enterprises or*  
14 *facilities within the city;*

15           (2) *The support, retention or expansion of existing*  
16 *commercial enterprises or facilities within the city;*

17           (3) *The establishment, retention or expansion of public,*  
18 *quasi-public or other facilities or operations within the city;*

19           (4) *The establishment of residential housing needed to*  
20 *support the establishment of new commercial enterprises or*  
21 *facilities or the expansion of existing commercial enterprises or*  
22 *facilities; or*

23           (5) *Any combination of the activities described in*  
24 *subparagraphs (1) to (4), inclusive,*

25       *↳ to create and retain opportunities for employment for the*  
26 *residents of the city.*

27       (b) *“Redevelopment” has the meaning ascribed to it in*  
28 *NRS 279.408.*

29       **Sec. 16.** NRS 268.008 is hereby amended to read as follows:

30       268.008 An incorporated city may:

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

32       2. Purchase, receive, hold and use personal and real property  
33 wherever situated.

34       3. ~~{Sell,}~~ *Except as otherwise provided in sections 12, 13 and*  
35 *14 of this act, sell,* convey and dispose of such personal and real  
36 property for the common benefit.

37       4. Determine what are public uses with respect to powers of  
38 eminent domain.

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

41       6. Receive bequests, devises, gifts and donations of all kinds of  
42 property wherever situated in fee simple, in trust or otherwise, for  
43 charitable or other purposes and do anything necessary to carry out  
44 the purposes of such bequests, devises, gifts and donations with full  
45 power to manage, sell, lease or otherwise dispose of such property



1 in accordance with the terms of such bequest, devise, gift or  
2 donation.

3 **Sec. 17.** NRS 268.050 is hereby amended to read as follows:

4 268.050 1. The governing body of any incorporated city in  
5 this State may reconvey all the right, title and interest of the city in  
6 and to any land donated, dedicated, acquired in accordance with  
7 chapter 37 of NRS, or purchased under the threat of an eminent  
8 domain proceeding, for a public park, public square, public landing,  
9 agricultural fairground, aviation field, automobile parking ground or  
10 facility for the accommodation of the traveling public, or land held  
11 in trust for the public for any other public use or uses, or any part  
12 thereof, to the person:

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

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

21 ~~→ The reconveyance may be made whether the land is held by the~~  
22 ~~city solely or as tenant in common with any other municipality or~~  
23 ~~other political subdivision of this State under the dedication.~~

24 ~~2. If the city has a planning commission, the governing body~~  
25 ~~shall refer the proposal for reconveyance to the planning~~  
26 ~~commission which shall consider the proposal and submit its~~  
27 ~~recommendation to the governing body.~~

28 ~~3. The governing body shall hold at least one public hearing~~  
29 ~~upon the proposal for reconveyance. Notice of the time and place of~~  
30 ~~the hearing must be:~~

31 ~~—(a) Published at least once in a newspaper of general circulation~~  
32 ~~in the city or county;~~

33 ~~—(b) Mailed to all owners of record of real property located within~~  
34 ~~300 feet of the land proposed for reconveyance; and~~

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

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

40 ~~—4.] by the governing body.~~

41 2. If the governing body ~~[, after the hearing,]~~ determines that  
42 maintenance of the property ~~[by the city solely or with a co-owner]~~  
43 is unnecessarily burdensome **to the city** or that reconveyance would  
44 be ~~[otherwise advantageous to]~~ **in the best interest of** the city and its  
45 ~~[citizens,]~~ **residents**, the governing body ~~[shall]~~ **may** formally adopt



1 a resolution stating that determination. Upon the adoption of the  
2 resolution, the presiding officer of the governing body shall ~~execute~~  
3 ~~a deed~~ *issue a written offer* of reconveyance ~~on behalf of the city~~  
4 ~~and the city clerk shall attest the deed under the seal of the city.~~

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

10 ~~—(a) The~~ *to the* person from whom the land was received or  
11 acquired or his successor in interest. ~~[refuses]~~

12 *3. If the person from whom the real property was received or*  
13 *acquired, or his successor in interest:*

14 *(a) Accepts the offer of reconveyance within 45 days after the*  
15 *date of the offer, the governing body shall execute a deed or*  
16 *reconveyance.*

17 *(b) Refuses* to accept the *offer of* reconveyance or states in  
18 writing that he is unable to accept the reconveyance ~~;~~ ~~or~~

19 ~~—(b) The land has been combined with other land owned by the~~  
20 ~~city and improved in such a manner as would reasonably preclude~~  
21 ~~the division of the land, together with the land with which it has~~  
22 ~~been combined, into separate parcels.] , the governing body may~~  
23 *sell or lease the real property in accordance with the provisions of*  
24 *the chapter.*

25 **Sec. 18.** NRS 381.006 is hereby amended to read as follows:

26 381.006 For the property and facilities of the Division, the  
27 Administrator:

28 1. Is responsible to the Director for the general administration  
29 of the Division and its institutions and for the submission of its  
30 budgets, which must include the combined budgets of its  
31 institutions.

32 2. Shall supervise the museum directors of its institutions in  
33 matters pertaining to the general administration of the institutions.

34 3. Shall coordinate the submission of requests by its  
35 institutions for assistance from governmental sources.

36 4. Shall oversee the public relations of its institutions.

37 5. Shall superintend the planning and development of any new  
38 facilities for the Division or its institutions.

39 6. Shall assist the efforts of its institutions in improving their  
40 services to the rural counties.

41 7. Shall supervise the facilities for storage which are jointly  
42 owned or used by any of its institutions.

43 8. Shall trade, exchange and transfer exhibits and equipment  
44 when he considers it proper and the transactions are not sales.



9. May contract with any person to provide concessions on the grounds of the property and facilities of the Division, provided that any contract permitting control of real property of the Division by a nongovernmental entity must be executed as a lease pursuant to NRS 321.003, **321.335**, 322.050, 322.060 and 322.070.

10. Shall oversee the supervision, control, management and operation of any buildings or properties in this State that are under the control of the Division.

11. Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the Division or premises and buildings that may be conveyed or made available to the Division.

**Sec. 19.** NRS 496.080 is hereby amended to read as follows:

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

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

*(a) Made by public auction; and*

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

**Sec. 20.** NRS 496.090 is hereby amended to read as follows:

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

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

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



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

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

7 (4) Providing for the maintenance of the airport or air  
8 navigation facility, or any portion or facility thereof, or space  
9 therein.

10 (5) Allowing residential occupancy of property acquired by  
11 the municipality.

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

16 2. In each case the municipality may establish the terms and  
17 conditions and fix the charges, rentals or fees for the privileges or  
18 services, which must be reasonable and uniform for the same class  
19 of privilege or service and must be established with due regard to  
20 the property and improvements used and the expenses of operation  
21 to the municipality.

22 3. ~~[As]~~ *Except as otherwise provided in this subsection, and*  
23 *as an alternative to the procedure provided in subsection 2 of NRS*  
24 *496.080, to the extent of its applicability, the governing body of any*  
25 *municipality may authorize it to enter into any such contracts, leases*  
26 *and other arrangements with any persons, as provided in this*  
27 *section, for a period not exceeding 50 years, upon such terms and*  
28 *conditions as the governing body deems proper. The provisions of*  
29 *this subsection must not be used to circumvent the requirement set*  
30 *forth in subsection 2 of NRS 496.080 that the disposal of real*  
31 *property be made by public auction.*

32 4. Before entering into any such contract, lease or other  
33 arrangements, the municipality shall publish notice of its intention  
34 in general terms in a newspaper of general circulation within the  
35 municipality at least once a week for 21 days or three times during a  
36 period of 10 days. If there is not a newspaper of general circulation  
37 within the municipality, the municipality shall post a notice of its  
38 intention in a public place at least once a week for 30 days. The  
39 notice must specify that a regular meeting of the governing body is  
40 to be held, at which meeting any interested person may appear. No  
41 such contract, lease or other arrangement may be entered into by the  
42 municipality until after the notice has been given and a meeting held  
43 as provided in this subsection.

44 5. Any member of a municipality's governing body may vote  
45 on any such contract, lease or other arrangement notwithstanding





1 the fact that the term of the contract, lease or other arrangement may  
2 extend beyond his term of office.

3 **Sec. 21.** Section 10 of the Airport Authority Act for Battle  
4 Mountain, being Chapter 458, Statutes of Nevada 1983, as amended  
5 by Chapter 230, Statutes of Nevada 1991, at page 508, is hereby  
6 amended to read as follows:

7 Sec. 10. Authority: General powers. The Authority  
8 may do all things necessary to accomplish the purposes of  
9 this act. The Authority may, by reason of example and not of  
10 limitation:

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

12 2. Plan, establish, acquire, construct, improve and  
13 operate an airport within Lander County.

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

18 4. ~~[Sell,]~~ *Except as otherwise provided in this*  
19 *subsection, sell,* lease or otherwise dispose of any real  
20 property. *If the Authority sells or otherwise disposes of real*  
21 *property, the sale or other disposal must be made by public*  
22 *auction.*

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

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

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

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

41 9. Prepare and adopt a comprehensive, long-term  
42 general plan for the physical development of all property  
43 owned and operated by the Authority for submission to the  
44 Board of County Commissioners of Lander County. The  
45 Authority may prepare and adopt for approval by the Board



1 of County Commissioners of Lander County a comprehensive  
2 zoning plan of all property owned or operated by the  
3 Authority. The zoning plan must be consistent with the  
4 requirements of chapter 497 of NRS and any applicable  
5 federal laws and regulations.

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

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

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

22 13. Provide its own fire protection, police and crash and  
23 rescue service.

24 14. Contract with carriers with regard to landings and  
25 the accommodations of the employees and passengers of such  
26 carriers.

27 15. Contract with persons or corporations to provide  
28 goods and services for the use of the employees and  
29 passengers of the carriers and the employees of the Authority,  
30 as necessary or incidental to the operation of the airports.

31 16. Hire and retain officers, agents and employees,  
32 including a fiscal adviser, engineers, attorneys or other  
33 professional or specialized personnel.

34 17. Adopt regulations governing vehicular traffic on its  
35 airports relating , but not limited to , speed restrictions,  
36 stopping, standing and parking, loading zones, turning  
37 movements and parking meters. It is unlawful for any person  
38 to do any act forbidden or fail to perform any act required in  
39 such regulations.

40 **Sec. 22.** Section 9 of the Airport Authority Act for Carson  
41 City, being Chapter 844, Statutes of Nevada 1989, at page 2026, is  
42 hereby amended to read as follows:

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

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



2. With the approval of the Board of Supervisors:

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

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

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

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

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. 23.** 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



1 this act. The Authority has perpetual succession and may, by  
2 way of example and not of limitation:

3 1. Sue and be sued.

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

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

10 4. ~~[Sell.]~~ *Except as otherwise provided in this*  
11 *subsection, sell, lease or otherwise dispose of any real*  
12 *property in such manner and upon such terms and conditions*  
13 *as the Board deems proper and in the best interests of the*  
14 *Authority. If the Authority sells real property, the Authority*  
15 *must obtain an appraisal of the property and the sale must*  
16 *be made by public auction unless the Authority:*

17 (a) *Sells the property at its fair market value; or*

18 (b) *If the Authority will sell the property at less than its*  
19 *fair market value, the Board adopts a written finding by a*  
20 *majority of the entire Board as to the difference between the*  
21 *price at which the property will be sold and the fair market*  
22 *value of the property.*

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

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

31 7. Exercise the power of eminent domain and dominant  
32 eminent domain in the manner provided by law for the  
33 condemnation by a city of private property for public use to  
34 take any property necessary to the exercise of the powers  
35 granted, within Washoe County.

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

41 9. Study and recommend to the Board of County  
42 Commissioners of Washoe County and the city councils of  
43 the cities of Reno and Sparks zoning changes in the area of  
44 any airport operated by the Authority with respect to noise,  
45 height and aviation obstructions in order to enable the



1 Authority to meet the requirements of any regulations of the  
2 Federal Aviation Administration.

3 10. Control its airports with the right and duty to  
4 establish and charge fees, rentals, rates and other charges, and  
5 collect revenues therefrom, not inconsistent with the rights of  
6 the holders of its bonds, and enter into agreements with  
7 carriers for the payment of landing fees, rental rates and other  
8 charges.

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

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

19 13. Provide its own fire protection, police and crash and  
20 rescue service. A person employed by the Authority to  
21 provide police service to the Authority has the powers and  
22 must have the training required of a law enforcement officer  
23 pursuant to Part 107 of Title 14 of the Code of Federal  
24 Regulations, as those provisions existed on January 1, 1997.  
25 A person employed by the Authority to provide police service  
26 shall be deemed to be a peace officer for the purposes of  
27 determining retirement benefits under the Public Employees'  
28 Retirement System.

29 14. Contract with carriers with regard to landings and  
30 the accommodations of the employees and passengers of  
31 those carriers.

32 15. Contract with persons or corporations to provide  
33 goods and services for the use of the employees and  
34 passengers of the carriers and the employees of the Authority,  
35 as necessary or incidental to the operation of the airports.

36 16. Hire and retain officers, agents and employees,  
37 including a fiscal adviser, engineers, attorneys or other  
38 professional or specialized personnel.

39 17. Adopt regulations governing vehicular traffic on the  
40 public areas of its airports relating to , but not limited to ,  
41 speed restrictions, turning movements and other moving  
42 violations. It is unlawful for any person to do any act  
43 forbidden or fail to perform any act required in such  
44 regulations.



1           18. Adopt regulations governing parking, loading zones  
2           and ground transportation operations on its airports and  
3           governing traffic on restricted areas of its airports. The  
4           Authority may establish a system of:

5           (a) Administrative procedures for review of alleged  
6           violations of such regulations; and

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

10       **Sec. 24.** On or before February 1, 2007, the State Land  
11       Registrar, the board of county commissioners of each county, the  
12       governing body of each incorporated city, the Airport Authority of  
13       Battle Mountain, the Airport Authority of Carson City and the  
14       Airport Authority of Washoe County shall submit to the Director of  
15       the Legislative Counsel Bureau for transmittal to the 74th Session  
16       of the Nevada Legislature a written report on the sales or leases of  
17       property owned by the respective entity during the period beginning  
18       October 1, 2005, and ending December 31, 2006.

19       **Sec. 25.** This act becomes effective on July 1, 2005.

