

Amendment No. 647

Assembly Amendment to Assembly Bill No. 312

(BDR 26-1089)

Proposed by: Committee on Growth and Infrastructure**Amendment Box:** Replaces Amendment No. 383.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section, designated section 1, following the enacting clause, to read 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.

SP/LJM/BJE

Date: 4/26/2005

A.B. No. 312—Requires certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction.



(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 any relationship with the property owner or the owner of an adjoining property.

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

Amend section 1, page 2, line 16, by deleting “appraiser.” and inserting:

“appraiser ~~[-]~~ *selected pursuant to section 1 of this act.*”.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section, designated sec. 3, following section 1, to read as follows:

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

1. When offering any land for sale, the board of county commissioners 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 any relationship with the property owner or the owner of an adjoining property.

3. An appraiser shall not perform an appraisal on any land for sale 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 land or an adjoining property.”.

Amend sec. 2, page 3, by deleting lines 37 and 38 and inserting:

“244.281 Except as otherwise provided in **this section and** NRS 244.276, 244.279, 244.2825 ~~[and 244.288:]~~, **244.284, 244.287, 244.288, 244.290 and 278.480 or an interlocal agreement in existence on or before October 1, 2004:”.**

Amend sec. 2, page 4, by deleting lines 14 through 35 and inserting:

~~“the best interest of the county.”~~

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

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

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

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

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

Amend sec. 2, page 4, line 42, by deleting “2.”.

Amend sec. 2, page 4, by deleting lines 44 and 45 and inserting:

“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”.

Amend sec. 2, page 5, line 2, after “value.” by inserting:

“The appraisals must have been prepared not more than 6 months before the property is offered for sale.”.

Amend sec. 2, page 5, line 3, by deleting “3.” and inserting “4.”.

Amend sec. 2, page 5, line 9, by deleting “[6.] 4.” and inserting:

“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.

7.”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 13 as sections 9 through 18 and adding new sections designated sections 5 through 8, following sec. 2, to read as follows:

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

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

automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

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

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

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

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

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

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

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

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

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

~~—4.]~~, *as determined by two or more disinterested, competent real estate appraisers appointed pursuant to section 3 of this act. The appraisals must have been prepared not more than 6 months 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) 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 any relationship with the property owner or the owner of an adjoining property.*

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

Amend sec. 4, page 5, line 22, by deleting “3” and inserting “7”.

Amend sec. 5, page 5, by deleting lines 34 and 35 and inserting:

“into a contract for the sale ~~for exchange~~ of real property until after the property has been appraised by ~~one disinterested appraiser~~ **two disinterested appraisers appointed pursuant to section 8 of this act**”.

Amend sec. 5, page 5, line 37, by deleting “[, a]” and inserting:

“~~[, a lease, sale or exchange]~~”.

Amend sec. 5, page 5, by deleting lines 39 and 40 and inserting:

“**public auction as required pursuant to section 7 of this act; and**

(b) A lease or sale must be made at or above”.

Amend sec. 5, page 5, line 43, by deleting:

“lease, sell or exchange” and inserting:

“lease ~~[, sell or exchange]~~ **or sell**”.

Amend sec. 5, page 6, line 4, by deleting:

“sell, lease or exchange” and inserting:

“sell ~~[, lease or exchange]~~ **or lease**”.

Amend sec. 6, page 6, line 12, after “**inclusive,**” by inserting:

“**or an interlocal agreement in existence on October 1, 2004,**”.

Amend sec. 7, page 6, line 20, by deleting “6” and inserting “11”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law authorizes the State Land Registrar to cause the sale of certain state lands by public auction or upon sealed bids. (NRS 321.335)

This bill provides that the sale of such lands must be by public auction.

Existing law authorizes the board of county commissioners of a county, with regard to certain real property owned by the county, to sell the property by public auction, sell the property through a licensed real estate broker, or exchange the 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, 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 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.