

SENATE BILL NO. 301—SENATOR HARDY

MARCH 15, 2007

JOINT SPONSOR: ASSEMBLYMAN HARDY

Referred to Committee on Finance

SUMMARY—Revises various provisions governing the Fort Mohave Valley Development Law. (BDR 26-1317)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included in Executive Budget.

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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 public lands; transferring public lands administered by the Colorado River Commission of Nevada under the Fort Mohave Valley Development Law from the State of Nevada to Clark County; transferring the powers and duties of the Commission under the Fort Mohave Valley Development Law to the Board of County Commissioners of Clark County; transferring money in the Fort Mohave Valley Development Account to Clark County; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under the Fort Mohave Valley Development Law, the Colorado River Commission of Nevada has various powers and duties relating to the development of the Fort Mojave Valley, including the power to acquire, develop and dispose of certain public lands in the Fort Mojave Valley and the authority to expend money from the Fort Mohave Valley Development Account for specified purposes. (NRS 321.480-321.536)

This bill transfers the power and responsibility of administering the Fort Mohave Valley Development Law from the Colorado River Commission of Nevada to the Board of County Commissioners of Clark County. To carry out the transfer, this bill provides that: (1) all public lands held, controlled or administered by the Commission under the Fort Mohave Valley Development Law must be transferred from the State of Nevada to Clark County; and (2) all money in the Fort



\* S B 3 0 1 R 1 \*

13 Mohave Valley Development Account must be transferred from the State of  
14 Nevada to Clark County.

15 To ensure that the Board of County Commissioners administers the Fort  
16 Mohave Valley Development Law for the benefit of the Fort Mojave Valley, this  
17 bill provides that the Board has a fiduciary duty to: (1) administer the Fort Mohave  
18 Valley Development Law exclusively for the purposes of developing the Fort  
19 Mohave Valley and any general improvement district, special district, town or city  
20 whose territory contains all or a part of the land in the Fort Mohave Valley; and (2)  
21 use the money in the Fort Mohave Valley Development Fund only for the purposes  
22 expressly authorized by the Fort Mohave Valley Development Law.

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

1 **Section 1.** NRS 321.335 is hereby amended to read as follows:

2 321.335 1. Except as otherwise provided in NRS 321.125,  
3 ~~[321.510,]~~ 322.063, 322.065 or 322.075, except as otherwise  
4 required by federal law and except for an agreement entered into  
5 pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or  
6 a lease of residential property with a term of 1 year or less, after  
7 April 1, 1957, all sales or leases of any lands that the Division is  
8 required to hold pursuant to NRS 321.001, including lands subject  
9 to contracts of sale that have been forfeited, are governed by the  
10 provisions of this section.

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

20 3. Before offering any land for sale or lease, the State Land  
21 Registrar shall cause it to be appraised by competent appraisers  
22 selected pursuant to NRS 321.007.

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



- 1       5. The notice must contain:
- 2       (a) A description of the land to be sold or leased;
- 3       (b) A statement of the terms of sale or lease;
- 4       (c) A statement that the land will be sold pursuant to subsection
- 5       6; and
- 6       (d) The place where the sealed bids will be accepted, the first
- 7       and last days on which the sealed bids will be accepted, and the time
- 8       when and place where the sealed bids will be opened and oral offers
- 9       submitted pursuant to subsection 6 will be accepted.
- 10      6. At the time and place fixed in the notice published pursuant
- 11      to subsection 4, all sealed bids which have been received must, in
- 12      public session, be opened, examined and declared by the State Land
- 13      Registrar. Of the proposals submitted which conform to all terms
- 14      and conditions specified in the notice published pursuant to
- 15      subsection 4 and which are made by responsible bidders, the bid
- 16      which is the highest must be finally accepted, unless a higher oral
- 17      offer is accepted or the State Land Registrar rejects all bids and
- 18      offers. Before finally accepting any written bid, the State Land
- 19      Registrar shall call for oral offers. If, upon the call for oral offers,
- 20      any responsible person offers to buy or lease the land upon the terms
- 21      and conditions specified in the notice, for a price exceeding by at
- 22      least 5 percent the highest written bid, then the highest oral offer
- 23      which is made by a responsible person must be finally accepted.
- 24      7. The State Land Registrar may reject any bid or oral offer to
- 25      purchase or lease submitted pursuant to subsection 6, if he deems
- 26      the bid or offer to be:
- 27      (a) Contrary to the public interest.
- 28      (b) For a lesser amount than is reasonable for the land involved.
- 29      (c) On lands which it may be more beneficial for the State to
- 30      reserve.
- 31      (d) On lands which are requested by the State of Nevada or any
- 32      department, agency or institution thereof.
- 33      8. Upon acceptance of any bid or oral offer and payment to the
- 34      State Land Registrar in accordance with the terms of sale specified
- 35      in the notice of sale, the State Land Registrar shall convey title by
- 36      quitclaim or cause a patent to be issued as provided in NRS 321.320
- 37      and 321.330.
- 38      9. Upon acceptance of any bid or oral offer and payment to the
- 39      State Land Registrar in accordance with the terms of lease specified
- 40      in the notice of lease, the State Land Registrar shall enter into a
- 41      lease agreement with the person submitting the accepted bid or oral
- 42      offer pursuant to the terms of lease specified in the notice of lease.
- 43      10. The State Land Registrar may require any person
- 44      requesting that state land be sold pursuant to the provisions of this
- 45      section to deposit a sufficient amount of money to pay the costs to



1 be incurred by the State Land Registrar in acting upon the  
2 application, including the costs of publication and the expenses of  
3 appraisal. This deposit must be refunded whenever the person  
4 making the deposit is not the successful bidder. The costs of acting  
5 upon the application, including the costs of publication and the  
6 expenses of appraisal, must be borne by the successful bidder.

7 11. If land that is offered for sale or lease pursuant to this  
8 section is not sold or leased at the initial offering of the contract for  
9 the sale or lease of the land, the State Land Registrar may offer the  
10 land for sale or lease a second time pursuant to this section. If there  
11 is a material change relating to the title, zoning or an ordinance  
12 governing the use of the land, the State Land Registrar must obtain a  
13 new appraisal of the land pursuant to the provisions of NRS 321.007  
14 before offering the land for sale or lease a second time. If land that  
15 is offered for sale or lease pursuant to this section is not sold or  
16 leased at the second offering of the contract for the sale or lease of  
17 the land, the State Land Registrar may list the land for sale or lease  
18 at the appraised value with a licensed real estate broker, provided  
19 that the broker or a person related to the broker within the first  
20 degree of consanguinity or affinity does not have an interest in the  
21 land or an adjoining property.

22 **Sec. 2.** NRS 321.480 is hereby amended to read as follows:

23 321.480 1. NRS 321.480 to 321.536, inclusive, may be cited  
24 as the Fort Mohave Valley Development Law.

25 **2. The Legislature hereby finds and declares that:**

26 *(a) It is in the public interest to transfer to Clark County all of*  
27 *the right, title and interest of the State of Nevada in all land held,*  
28 *controlled or administered by the Colorado River Commission of*  
29 *Nevada on behalf of the State under the Fort Mohave Valley*  
30 *Development Law.*

31 *(b) The Board of County Commissioners of Clark County has*  
32 *a fiduciary duty to:*

33 *(1) Administer the Fort Mohave Valley Development Law*  
34 *exclusively for the purposes of developing the Fort Mohave Valley*  
35 *and any general improvement district, special district, town or city*  
36 *whose territory contains all or a part of the land in the Fort*  
37 *Mohave Valley; and*

38 *(2) Use the money in the Fort Mohave Valley Development*  
39 *Fund only for the purposes expressly authorized by the Fort*  
40 *Mohave Valley Development Law.*

41 **Sec. 3.** NRS 321.490 is hereby amended to read as follows:

42 321.490 1. As used in NRS 321.480 to 321.536, inclusive,  
43 unless the context otherwise requires:



(a) ~~["Commission" means the Colorado River Commission of Nevada.]~~ *"Board of County Commissioners" or "Board" means the Board of County Commissioners of Clark County.*

(b) *"Clark County" or "County" means Clark County, Nevada, as created by NRS 243.035.*

(c) "Development" and "develop" include the:

(1) Preparation of a proposal, plans for a subdivision, plans for a zoning district or zoning regulations, or any other acts in conformance with chapters 278 and 278A of NRS and any local master plans, regulations and ordinances governing the improvement or use of land or the location and construction of structures;

(2) Planning, design, construction or any other act necessary to acquire, extend, alter, reconstruct, repair or make other improvements to a project; and

(3) Solicitation, consideration and approval of proposals for the use of land,

➔ *in the Fort Mohave Valley ~~[-]~~ and in any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.*

(d) *"Fort Mohave Valley Development Fund" or "Fund" means the fund created in the County Treasury pursuant to NRS 321.520.*

2. As used in this section, "project" means any structure, facility, undertaking or system which a county, city, town, general improvement district or special district is authorized to acquire, improve, equip, maintain or operate, including all kinds of personal and real property, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

**Sec. 4.** NRS 321.500 is hereby amended to read as follows:

321.500 1. The ~~["Commission may, on behalf of the State of Nevada,]~~ *Board of County Commissioners may* purchase or otherwise acquire from the Federal Government all or any portion of the lands described in subsection 2, at intervals during any period when a purchase or acquisition may be made as provided by the Congress of the United States, including any extension of time granted by the Secretary of the Interior ~~[-]~~ *of the United States,* or otherwise.

2. The lands referred to in subsection 1 are described as follows:

(a) Parcel 1. All of sections 1, 12 and 13; fractional sections 24 and 25, T. 33 S., R. 65 E.



(b) Parcel 2. All of sections 6, 7 and 8; fractional sections 4, 5, 9, 10 and 15, all of section 16, fractional section 17, all of section 18, fractional sections 19, 20, 21, 30 and 31, T. 33 S., R. 66 E.

(c) Parcel 3. All of sections 9, 10, 11, 14, 15 and 16, east 1/2 section 20, all of sections 21, 22, 23, fractional sections 24, 25 and 26, all of sections 27 and 28, east 1/2 section 29, southeast 1/4 section 31, fractional sections 32, 33, 34 and 35, T. 32 S., R. 66 E.

(d) Parcel 4. Fractional sections 4 and 5, T. 34 S., R. 66 E., and any other surveyed land or any unsurveyed land lying between the lands described in parcels 2, 3 and 4 and the Arizona-Nevada state line.

➤ All references to township and range in this subsection refer to Mount Diablo base and meridian.

**Sec. 5.** NRS 321.510 is hereby amended to read as follows:

321.510 1. The ~~{Commission}~~ **Board of County Commissioners** shall undertake such engineering, planning and developmental studies ~~{,}~~ and such other action as may be necessary for the development of the Fort Mohave Valley ~~{,}~~ **and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.**

2. The ~~{Commission}~~ **Board** shall not solicit plans for development or dispose of lands described in NRS 321.500 and 321.534 unless it has first ~~{obtained the concurrence of the governing body whose territory contains the land described for development or disposal}~~ **determined** that the proposed development or disposal:

(a) Is consistent with ~~{a}~~ **the** master plan adopted ~~{by the governing body}~~ pursuant to chapter 278 of NRS ~~{,}~~ **which governs the land proposed for development or disposal;** or

(b) Constitutes an acceptable revision to the master plan,  
➤ and is consistent with the plans and projects of any **general improvement district, special district, town or city** whose territory contains the land ~~{described}~~ **proposed** for development or disposal.

3. Any such proposal for the development or disposal of land must comply with applicable local regulations and ordinances governing the development of land, the location and construction of structures or the regulation of projects.

4. The ~~{Commission}~~ **Board** may adopt ~~{regulations governing}~~ procedures for the **development or** disposal of the lands described in NRS 321.500 and 321.534 and may develop, dispose of and approve requests for the development or disposal of those lands only if ~~{in accordance with a}~~ **the development or disposal:**

(a) **Is consistent with the** master plan ~~{that has been adopted by the governing body whose territory contains}~~ **governing** the land ~~{described}~~ **proposed** for development or disposal ~~{,}~~ **; or**



(b) *Constitutes an acceptable revision to the master plan.*

5. The ~~{Commission, acting for and on behalf of the State of Nevada,}~~ **Board** may relinquish all rights, powers and privileges ~~{the State has}~~ to purchase any portion, part or parcel of the lands described in NRS 321.500. Any such relinquishment must be made by written instrument, approved by the ~~{Attorney General,}~~ **District Attorney of the County** and forwarded to the Secretary of the Interior ~~{of the United States}~~.

**Sec. 6.** NRS 321.520 is hereby amended to read as follows:

321.520 1. For the use of the ~~{Commission}~~ **Board of County Commissioners** in carrying out the ~~{provisions of NRS 321.480 to 321.536, inclusive,}~~ **Fort Mohave Valley Development Law**, the **County Treasurer shall create in the County Treasury a separate fund designated as the Fort Mohave Valley Development** ~~{Account is hereby created in the State Treasury,}~~ **Fund**.

2. The interest and income earned on the money in the Fort Mohave Valley Development ~~{Account,}~~ **Fund**, after deducting any applicable charges, must be credited to the ~~{Account,}~~ **Fund**.

3. Money in the Fort Mohave Valley Development ~~{Account}~~ **Fund** must be paid out on claims against the ~~{Account}~~ **Fund** as other claims against the ~~{State}~~ **County** are paid, after the claims have been approved by the ~~{Commission pursuant to subsection 3 of NRS 321.536,}~~ **Board**.

**Sec. 7.** NRS 321.530 is hereby amended to read as follows:

321.530 1. *The Board of County Commissioners shall administer the Fort Mohave Valley Development Law exclusively for the purposes of developing the Fort Mohave Valley and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.*

2. Any money received by the ~~{Commission}~~ **County** in connection with the *administration of the Fort Mohave Valley Development Law, including, without limitation, any money received from the* development or disposition of any land described in NRS 321.500 *or 321.534 or any other land which the County acquires using money from the Fort Mohave Valley Development Fund,* must be deposited in the ~~{State}~~ **County** Treasury to the credit of the Fort Mohave Valley Development ~~{Account,}~~

~~—2.—The State Controller and the State Treasurer shall calculate and retain an amount of money from that deposit equal to the necessary expenses incurred in the acquisition of any land described in NRS 321.500 and shall transfer the remaining amount to the State General Fund until the transfers have resulted in complete reimbursement to the State General Fund for all money appropriated~~



~~from the State General Fund to the Fort Mohave Valley Development Account.] Fund.~~

**Sec. 8.** NRS 321.534 is hereby amended to read as follows:

321.534 The ~~[Commission]~~ **Board of County Commissioners** may act as the agent of ~~[the State of Nevada]~~ **Clark County** in the development and disposal of ~~[state]~~ lands in the Fort Mohave Valley described as being all those lands in T. 32 S., R. 66 E., M.D.B. & M., lying between the meander line of the General Land Office dependent resurvey of 1947 and the right bank of the channel of the Colorado River and all those lands in T. 33 S., R. 66 E., M.D.B. & M. and T. 34 S., R. 66 E., M.D.B. & M., lying between the meander line of the General Land Office survey of 1932 and the right bank of the channel of the Colorado River.

**Sec. 9.** NRS 321.536 is hereby amended to read as follows:

321.536 ~~[1. The Commission]~~ **The Board of County Commissioners** may use money in the Fort Mohave Valley Development ~~[Account to purchase]~~ **Fund only to:**

**1. Purchase** or otherwise acquire lands described in NRS 321.500 and 321.534 ~~[in an amount not to exceed \$3,200,000.~~

~~—2. After the allocation of money pursuant to subsection 1, the Commission may use money in the Fort Mohave Development Account to administer the provisions of NRS 321.480 to 321.536, inclusive, and any other expenditures authorized by law.~~

~~—3. After the allocation of money pursuant to subsections 1 and 2, the Commission, with the concurrence of the Board of County Commissioners of Clark County, shall, pursuant to NRS 353.150 to 353.246, inclusive, prepare and submit a program for the use of the remaining money available in the Fort Mohave Valley Development Account to develop state and local capital improvements. The program may include; and~~

**2. Administer the Fort Mohave Valley Development Law exclusively for the purposes of developing the Fort Mohave Valley and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley, including, without limitation, the planning, design and construction of [those] capital improvements which develop the land in the Fort Mohave Valley or in [the service area of] any general improvement district, special district, town or city [which] whose territory contains all or a part of the land in the Fort Mohave Valley . [or both. If the program is approved, the Commission shall approve proper claims against the Account made in conformance with the program in a manner which ensures that any claims concerning a particular capital improvement are approved and paid before any claims concerning another capital improvement are approved and paid.**





~~4. After disposition of the money in the Fort Mohave Valley Development Account pursuant to subsections 1, 2 and 3, the Commission may use any remaining money to:~~

~~(a) Develop and dispose of any land described in NRS 321.534 acquired by the Commission;~~

~~(b) Purchase or otherwise acquire, develop and dispose of any other land which the Commission is authorized to purchase, acquire, develop or dispose of; and~~

~~(c) Perform any other acts authorized by the Legislative Commission.~~

~~5. Any money:~~

~~(a) Received from the development or disposition of the land described in NRS 321.534; or~~

~~(b) Received from the development or disposition of any other land which the Commission acquires using money from the Fort Mohave Valley Development Account pursuant to paragraph (b) of subsection 4;~~

~~must be deposited in the Fort Mohave Valley Development Account.]~~

**Sec. 10.** NRS 538.135 is hereby amended to read as follows:

538.135 The Executive Director:

1. Is responsible for administering and carrying out the policies of the Commission.

2. Shall direct and supervise all the technical and administrative activities of the Commission.

3. Shall report to the Commission all relevant and important matters concerning the administration of his office. He is subject to the supervision of the Commission and is responsible, unless otherwise provided by law, for the conduct of the administrative function of the Commission's office.

4. Shall perform any lawful act which he considers necessary or desirable to carry out the purposes and provisions of NRS ~~[321.480 to 321.536, inclusive, and]~~ 538.010 to 538.251, inclusive, and any other provisions of law relating to the powers and duties of the Commission.

**Sec. 11.** 1. As soon as practicable after passage and approval of this act but not later than July 1, 2007, the Colorado River Commission of Nevada and the State Land Registrar shall, on behalf of the State of Nevada, convey gratuitously and by quitclaim deed to Clark County all of the right, title and interest of the State of Nevada in all land held, controlled or administered by the Commission on behalf of the State under the Fort Mohave Valley Development Law.



2. Each conveyance authorized by subsection 1 is subject to any easement existing on the date of the conveyance, whether or not of record.

3. Clark County shall pay any expenses incurred by the Commission and the State Land Registrar to carry out the provisions of this section.

**Sec. 12.** 1. As soon as practicable after passage and approval of this act but not later than July 1, 2007, the State Treasurer shall transfer the money in the Fort Mohave Valley Development Account in the State Treasury to the County Treasurer of Clark County who must deposit the money in the County Treasury to the credit of the Fort Mohave Valley Development Fund.

2. On and after the date on which the State Treasurer makes the transfer required by subsection 1:

(a) All outstanding claims against the Colorado River Commission of Nevada or the State of Nevada payable from the Fort Mohave Valley Development Account in the State Treasury before the date of the transfer shall be deemed to be claims against Clark County payable from the Fort Mohave Valley Development Fund in the County Treasury;

(b) All outstanding contracts or other agreements entered into by the Commission or the State of Nevada to carry out the Fort Mohave Valley Development Law before the date of the transfer shall be deemed to be binding upon Clark County and may be enforced by and against Clark County according to their terms; and

(c) All outstanding obligations, debts and liabilities incurred by the Commission or the State of Nevada to carry out the Fort Mohave Valley Development Law before the date of the transfer shall be deemed to be assumed by Clark County and may be enforced against Clark County, and Clark County shall indemnify and hold the Commission and the State of Nevada harmless against all such obligations, debts and liabilities.

3. The provisions of this section do not apply to any outstanding bonds or similar obligations issued by the Commission or the State of Nevada to carry out the Fort Mohave Valley Development Law before the date of the transfer, but only to the extent that the provisions of this section would constitute an impairment of the rights of the holders of the bonds or similar obligations. If there are any such outstanding bonds or similar obligations, the State of Nevada and its officers and agencies shall take whatever actions that are deemed necessary to protect the interests of the State and the rights of the holders of the bonds or similar obligations.

**Sec. 13.** The Colorado River Commission of Nevada shall cooperate with the Board of County Commissioners of Clark



1 County to ensure that the provisions of this act are carried out in an  
2 orderly manner, including, without limitation, the transfer or  
3 exchange of books and records relating to the administration of the  
4 Fort Mohave Valley Development Law.

5 **Sec. 14.** This act becomes effective:

- 6 1. Upon passage and approval for the purposes of carrying out  
7 the provisions of sections 11, 12 and 13 of this act and the orderly  
8 transfer to the Board of County Commissioners of Clark County of  
9 the powers and duties of the Colorado River Commission of Nevada  
10 under the Fort Mohave Valley Development Law; and  
11 2. On July 1, 2007, for all other purposes.

