

Amendment No. 871

Assembly Amendment to Senate Bill No. 320	(BDR 44-758)
<b>Proposed by:</b> Assembly Committee on Transportation	
<b>Amends:</b> 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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

## SENATE BILL NO. 320—SENATOR BEERS

MARCH 19, 2007

Referred to Committee on Government Affairs

SUMMARY—Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. (BDR 44-758)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to airports; exempting the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law and with certain exceptions, the governing body of a city is required to obtain two independent appraisals when offering real property for sale or lease and is required to sell or lease the property at auction. (NRS 268.059-268.062) **Similar provisions apply to counties. (NRS 244.2795-244.283)** Under existing law, airport authorities created by special acts of the Legislature are required to sell or otherwise dispose of real property by public auction. (Airport Auth. Act for Battle Mountain, § 10; Airport Auth. Act for Carson City, § 9; Reno-Tahoe Airport Auth. Act, § 10) This bill authorizes the ~~governing body of a city located in~~ **board of county commissioners** of a county whose population is less than 40,000 (currently counties other than Clark, Washoe, Elko and Douglas Counties, and Carson City) **, the governing body of a city located in such a county** or an airport authority in such a county (currently the Airport Authority of Battle Mountain) to rent or lease space for the parking or storage of aircraft on the grounds of ~~a municipal~~ **an** airport owned or operated by the **county**, city or ~~the~~ airport authority without conducting or causing to be conducted an appraisal or a public auction. (NRS 496.080; Airport Auth. Act for Battle Mountain, § 10)

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

**Section 1.** 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~~ or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise must be:

(a) ~~made~~ *Except as otherwise provided in subsection 3, 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.

*3. The governing body of a city located in a county whose population is less than 40,000 may rent or lease to a person a space for the parking or storage of aircraft on the grounds of a municipal airport that is owned or operated by the city without conducting or causing to be conducted an appraisal or a public auction.*

**Sec. 1.2. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

*A board of county commissioners of a county whose population is less than 40,000 may rent or lease to a person a space for the parking or storage of aircraft on the grounds of an airport that is owned or operated by the county without conducting or causing to be conducted an appraisal or a public auction.*

**Sec. 1.4. NRS 244.2795 is hereby amended to read as follows:**

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 *and section 1.2 of this act* and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required 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, 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, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which 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 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.

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

5           **Sec. 1.6. NRS 244.281 is hereby amended to read as follows:**

6           244.281 Except as otherwise provided in this section and NRS 244.189,  
7 244.276, 244.279, 244.2815, 244.2825, 244.284, 244.287, 244.290, and section 1.2  
8 of this act and 278.479 to 278.4965, inclusive, except as otherwise required by  
9 federal law, except as otherwise required pursuant to a cooperative agreement  
10 entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in  
11 existence on or before October 1, 2004, except if the board of county  
12 commissioners is entering into a joint development agreement for real property  
13 owned by the county to which the board of county commissioners is a party, except  
14 for a lease of residential property with a term of 1 year or less and except for the  
15 sale or lease of real property larger than 1 acre which is approved by the voters at a  
16 primary or general election or special election:

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

22           (a) Sell the property in the manner prescribed for the sale of real property in  
23 NRS 244.282.

24           (b) Lease the property in the manner prescribed for the lease of real property in  
25 NRS 244.283.

26           2. Before the board of county commissioners may sell or lease any real  
27 property as provided in subsection 1, it shall:

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

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

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

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

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

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

44           3. If the board of county commissioners by its resolution further finds that the  
45 property to be sold or leased is worth more than \$1,000, the board shall appoint two  
46 or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to  
47 appraise the property and, except for property acquired pursuant to NRS 371.047,  
48 shall not sell or lease it for less than the highest appraised value.

49           4. If the property is appraised at \$1,000 or more, the board of county  
50 commissioners may:

51           (a) Lease the property; or

52           (b) Sell the property either for cash or for not less than 25 percent cash down  
53 and upon deferred payments over a period of not more than 10 years, secured by a

1 mortgage or deed of trust, bearing such interest and upon such further terms as the  
2 board of county commissioners may specify.

3 5. A board of county commissioners may sell or lease any real property  
4 owned by the county without complying with the provisions of NRS 244.282 or  
5 244.283 to:

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

8 (1) The real property is a:

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

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

15 (III) Parcel which is subject to a deed restriction prohibiting the use of  
16 the real property by anyone other than the person who owns real property adjacent  
17 to the real property for sale or lease; and

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

19 (b) Another governmental entity if:

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

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

24 6. A board of county commissioners that disposes of real property pursuant to  
25 subsection 4 is not required to offer to reconvey the real property to the person from  
26 whom the real property was received or acquired by donation or dedication.

27 7. If real property that is offered for sale or lease pursuant to this section is  
28 not sold or leased at the initial offering of the contract for the sale or lease of the  
29 real property, the board of county commissioners may offer the real property for  
30 sale or lease a second time pursuant to this section. If there is a material change  
31 relating to the title, zoning or an ordinance governing the use of the real property,  
32 the board of county commissioners must obtain a new appraisal of the real property  
33 pursuant to the provisions of NRS 244.2795 before offering the real property for  
34 sale or lease a second time. If real property that is offered for sale or lease pursuant  
35 to this section is not sold or leased at the second offering of the contract for the sale  
36 or lease of the real property, the board of county commissioners may list the real  
37 property for sale or lease at the appraised value with a licensed real estate broker,  
38 provided that the broker or a person related to the broker within the first degree of  
39 consanguinity or affinity does not have an interest in the real property or an  
40 adjoining property.

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

43 **Sec. 1.8. NRS 244.283 is hereby amended to read as follows:**

44 244.283 1. When the board of county commissioners determines that the  
45 lease of real property belonging to the county for industrial, commercial, residential  
46 or recreational purposes is necessary or desirable, the board may lease such real  
47 property, whether acquired by purchase, dedication or otherwise. Such a lease must  
48 not be in contravention of any condition in a gift or devise of real property to the  
49 county.

50 2. Except as otherwise provided in NRS 244.279, and section 1.2 of this act,  
51 before ordering the lease of any property the board shall, in open meeting by a  
52 majority vote of the members, adopt a resolution declaring its intention to lease the  
53 property. The resolution must:

(a) Describe the property proposed to be leased in such manner as to identify it.  
(b) Specify the minimum rental, and the terms upon which it will be leased.  
(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed proposals to lease will be received and considered.

3. 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) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

4. At the time and place fixed in the resolution for the meeting of the board, all sealed proposals which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease and which are made by responsible bidders, the proposal which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

5. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in the resolution, for a rental exceeding by at least 5 percent the highest written proposal, then the highest oral bid which is made by a responsible person must be finally accepted.

6. A person may not make an oral bid unless, at least 5 days before the meeting held for receiving and considering bids, he submits to the board written notice of his intent to make an oral bid and a statement establishing his financial responsibility to the satisfaction of the board.

7. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

8. The board may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from lease.

9. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of his contract which are to be performed concurrently therewith.

10. All money received from rentals of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

11. This section does not apply to leases of real property made pursuant to NRS 244.288, 334.070 or 338.177.

**Sec. 2.** 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 of real property until after the property has been appraised pursuant to NRS 268.059. Except as otherwise provided in this section, ~~and~~ paragraph (a) of subsection 1 of NRS 268.050 ~~and~~ **subsection 3 of NRS 496.080:**

(a) The sale or lease of real property must be made in the manner required pursuant to NRS 268.059, 268.061 and 268.062; and

(b) A lease or sale must be made at or above the highest appraised value of the real property as determined pursuant to the appraisal conducted pursuant to NRS 268.059.

2. The city council may sell 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. 3.** NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, **and subsection 3 of NRS 496.080**, except as otherwise required by federal law, except as otherwise required 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, 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, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which 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 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 must 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.

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

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body 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. 4.** NRS 268.061 is hereby amended to read as follows:

268.061 Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, **and subsection 3 of NRS 496.080**, except as otherwise provided by federal law, except as otherwise required 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, 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, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may

1 sell or lease the real property in the manner prescribed for the sale or lease of real  
2 property in NRS 268.062.

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

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

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

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

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

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

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

21 3. If the governing body by its resolution finds additionally that the real  
22 property to be sold is worth more than \$1,000, the board shall conduct an appraisal  
23 pursuant to NRS 268.059 to determine the value of the real property and, except for  
24 real property acquired pursuant to NRS 371.047, shall not sell or lease it for less  
25 than the highest appraised value.

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

28 (a) Lease the real property; or

29 (b) Sell the real property for:

30 (1) Cash; or

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

34 5. A governing body may sell or lease any real property owned by the city  
35 without complying with the provisions of this section and NRS 268.059 and  
36 268.062 to:

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

39 (1) The real property is a:

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

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

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

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

50 (b) Another governmental entity if:

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

52 and

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

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or 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 NRS 268.059 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. 5.** NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, **and subsection 3 of NRS 496.080**, except as otherwise required by federal law, except as otherwise required 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, 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, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which 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 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 leased at auction in such a manner as to identify it;

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

1     ☞ If no qualified newspaper is published within the county in which the real  
2     property is located, the required notice must be published in some qualified  
3     newspaper printed in the State of Nevada and having a general circulation within  
4     that county.

5     3. At the time and place fixed in the resolution for the meeting of the board,  
6     all sealed bids which have been received must, in public session, be opened,  
7     examined and declared by the governing body. Of the proposals submitted which  
8     conform to all terms and conditions specified in the resolution of intention to sell or  
9     lease and which are made by responsible bidders, the bid which is the highest must  
10    be finally accepted, unless a higher oral bid is accepted or the governing body  
11    rejects all bids.

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

17    5. The final acceptance by the governing body may be made either at the  
18    same session or at any adjourned session of the same meeting held within the 21  
19    days next following.

20    6. The governing body may, either at the same session or at any adjourned  
21    session of the same meeting held within the 21 days next following, if it deems the  
22    action to be for the best public interest, reject any and all bids, either written or oral,  
23    and withdraw the property from sale or lease.

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

28    **Sec. 5.5. NRS 371.047 is hereby amended to read as follows:**

29    371.047 1. A county may use the proceeds of the tax imposed pursuant to  
30    NRS 371.045, or of bonds, notes or other obligations incurred to which the  
31    proceeds of those taxes are pledged to finance a project related to the construction  
32    of a highway with limited access, to:

33    (a) Purchase residential real property which shares a boundary with a highway  
34    with limited access or a project related to the construction of a highway with  
35    limited access, and which is adversely affected by the highway. Not more than 1  
36    percent of the proceeds of the tax or of any bonds to which the proceeds of the tax  
37    are pledged may be used for this purpose.

38    (b) Pay for the cost of moving persons whose primary residences are  
39    condemned for a right-of-way for a highway with limited access and who qualify  
40    for such payments. The board of county commissioners shall, by ordinance,  
41    establish the qualifications for receiving payments for the cost of moving pursuant  
42    to this paragraph.

43    2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, and  
44    section 1.2 of this act, dispose of any residential real property purchased pursuant  
45    to this section, and may reserve and except easements, rights or interests related  
46    thereto, including, but not limited to:

47    (a) Abutter's rights of light, view or air.

48    (b) Easements of access to and from abutting land.

49    (c) Covenants prohibiting the use of signs, structures or devices advertising  
50    activities not conducted, services not rendered or goods not produced or available  
51    on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.045.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

- (a) Constitutes a taking of all or any part of the property, or interest therein;
- (b) Lowers the value of the property; or
- (c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

**Sec. 6.** Section 10 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, as last amended by chapter 381, Statutes of Nevada 2005, at page 1470, is hereby amended to read as follows:

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

1. Have perpetual succession and sue and be sued.

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

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

4. Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property. ~~§§~~ *Unless the provisions of subsection 5 apply, if the Authority sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.*

5. *The Authority may rent or lease to a person a space for the parking or storage of aircraft on the grounds of an airport controlled by the Authority without conducting or causing to be conducted an appraisal or a public auction.*

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

~~§6.7~~ 7. Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.

~~§7.8~~ 8. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.

~~§8.9~~ 9. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

~~10~~ 10. Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the Authority for submission to the Board of County Commissioners of Lander County. The Authority may prepare and adopt for approval by the Board of County Commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the Authority. The zoning plan must be consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.

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

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

~~13~~ 13. Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

~~14~~ 14. Provide its own fire protection, police and crash and rescue service.

~~15~~ 15. Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.

~~16~~ 16. Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

~~17~~ 17. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

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