

Amendment No. CA16

First Conference Committee Amendment to (BDR 44-758)
Senate Bill No. 320 First Reprint

Proposed by: First Conference Committee

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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.

EGO



Date: 6/3/2007

S.B. No. 320—Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. (BDR 44-758)



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 244.2705-244.282) 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 [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)] **governing body of a city whose population is less than 25,000 (currently Boulder City, Caliente, Carlin, Elko, Ely, Fallon, Fernley, Lovelock, Mesquite, Wells, West Wendover, Winnemucca and Yerington)** to rent or lease space **that is less than one-half of an acre** for the parking or storage of aircraft on the grounds of an airport owned or operated by the ~~county, city (for 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

1 NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any
2 airport, air navigation facility ~~(-)~~ or other property, or portion thereof or interest
3 therein, acquired pursuant to this chapter.

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

5 (a) ~~[Maded]~~ *Except as otherwise provided in subsection 3, made* by public
6 auction; and

7 (b) In accordance with the laws of this State, or provisions of the charter of the
8 municipality, governing the disposition of other property of the municipality,
9 except that in the case of disposal to another municipality or agency of the State or
10 Federal Government for aeronautical purposes incident thereto, the sale, lease or
11 other disposal may be effected in such manner and upon such terms as the
12 governing body of the municipality may deem in the best interest of the
13 municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS
14 496.090.

15 3. *The governing body of a city ~~[located in a county]~~ whose population is*
16 *less than ~~[40,000]~~ 25,000 may rent or lease to a person a space that is less than*
17 *one-half of an acre for the parking or storage of aircraft on the grounds of a*
18 *municipal airport that is owned or operated by the city without conducting or*
19 *causing to be conducted an appraisal or a public auction.*

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

22 ~~— A board of county commissioners of a county whose population is less than~~
23 ~~40,000 may rent or lease to a person a space for the parking or storage of aircraft~~
24 ~~on the grounds of an airport that is owned or operated by the county without~~
25 ~~conducting or causing to be conducted an appraisal or a public auction.]~~
26 ~~(Deleted by amendment.)~~

27 Sec. 1.4. ~~[NRS 244.2795 is hereby amended to read as follows:~~

28 ~~244.2795 1. Except as otherwise provided in NRS 244.189, 244.276,~~
29 ~~244.279, 244.2825, 244.284, 244.287, 244.290 and section 1.2 of this act and~~
30 ~~278.479 to 278.4965, inclusive, except as otherwise required by federal law, except~~
31 ~~as otherwise required pursuant to a cooperative agreement entered into pursuant to~~
32 ~~NRS 277.050 or 277.053 or an interlocal agreement in existence on or before~~
33 ~~October 1, 2004, except if the board of county commissioners is entering into a~~
34 ~~joint development agreement for real property owned by the county to which the~~
35 ~~board of county commissioners is a party, except for a lease of residential property~~
36 ~~with a term of 1 year or less and except for the sale or lease of real property larger~~
37 ~~than 1 acre which is approved by the voters at a primary or general election or~~
38 ~~special election, the board of county commissioners shall, when offering any real~~
39 ~~property for sale or lease:~~

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

43 ~~(b) Select the two independent appraisers from the list of appraisers established~~
44 ~~pursuant to subsection 2.~~

45 ~~(c) Verify the qualifications of each appraiser selected pursuant to paragraph~~
46 ~~(b). The determination of the board of county commissioners as to the~~
47 ~~qualifications of the appraiser is conclusive.~~

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

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

~~1. (b) Be organized at random and rotated from time to time.~~

~~2. 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.~~

~~3. 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.] (Deleted by amendment.)~~

Sec. 1.6. ~~[NRS 244.281 is hereby amended to read as follows:~~

~~244.281 Except as otherwise provided in this section and NRS 244.189, 244.276, 244.279, 244.2815, 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:~~

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

~~(a) Sell the property in the manner prescribed for the sale of real property in NRS 244.282;~~

~~(b) Lease the property in the manner prescribed for the lease of real property in NRS 244.283;~~

~~2. Before the board of county commissioners may sell or lease any real property as provided in 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 leased in such a manner as to identify it;~~

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

~~3. 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.~~

~~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 two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to~~

~~appraise the property and, except for property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.~~

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

~~(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;~~

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

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

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

~~(b) Another governmental entity if:~~

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

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

~~6. A board of county commissioners that disposes of real property pursuant to subsection 4 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 board of county commissioners 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 board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of NRS 244.2795 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 board of county commissioners 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.~~

~~8. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.] (Deleted by amendment.)~~

Sec. 1.8. ~~[NRS 244.283 is hereby amended to read as follows:~~

~~244.283 1. When the board of county commissioners determines that the lease of real property belonging to the county for industrial, commercial, residential~~

1 ~~or recreational purposes is necessary or desirable, the board may lease such real~~
2 ~~property, whether acquired by purchase, dedication or otherwise. Such a lease must~~
3 ~~not be in contravention of any condition in a gift or devise of real property to the~~
4 ~~county.~~

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

9 ~~(a) Describe the property proposed to be leased in such manner as to identify it;~~
10 ~~(b) Specify the minimum rental, and the terms upon which it will be leased;~~

11 ~~(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the~~
12 ~~board to be held at its regular place of meeting, at which sealed proposals to lease~~
13 ~~will be received and considered.~~

14 ~~3. Notice of the adoption of the resolution and of the time and place of~~
15 ~~holding the meeting must be given by:~~

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

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

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

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

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

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

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

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

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

49 ~~11. This section does not apply to leases of real property made pursuant to~~
50 ~~NRS 244.288, 334.070 or 338.177.] (Deleted by amendment.)~~

1 **Sec. 2.** NRS 266.267 is hereby amended to read as follows:
2 266.267 1. A city council shall not enter into a lease of real property owned
3 by the city for a term of 3 years or longer or enter into a contract for the sale of real
4 property until after the property has been appraised pursuant to NRS 268.059.
5 Except as otherwise provided in this section, ~~and~~ paragraph (a) of subsection 1 of
6 NRS 268.050 ~~and~~ **subsection 3 of NRS 496.080:**

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

9 (b) A lease or sale must be made at or above the highest appraised value of the
10 real property as determined pursuant to the appraisal conducted pursuant to NRS
11 268.059.

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

16 **Sec. 3.** NRS 268.059 is hereby amended to read as follows:

17 268.059 1. Except as otherwise provided in NRS 268.048 to 268.058,
18 inclusive, and 278.479 to 278.4965, inclusive, **and subsection 3 of NRS 496.080,**
19 except as otherwise required by federal law, except as otherwise required pursuant
20 to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an
21 interlocal agreement in existence on October 1, 2004, except if the governing body
22 is entering into a joint development agreement for real property owned by the city
23 to which the governing body is a party, except for a lease of residential property
24 with a term of 1 year or less and except for the sale or lease of real property larger
25 than 1 acre which is approved by the voters at a primary or general election,
26 primary or general city election or special election, the governing body shall, when
27 offering any real property for sale or lease:

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

32 (b) Select the two independent appraisers from the list of appraisers established
33 pursuant to subsection 2.

34 (c) Verify the qualifications of each appraiser selected pursuant to paragraph
35 (b). The determination of the governing body as to the qualifications of the
36 appraiser is conclusive.

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

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

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

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

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

1 **Sec. 4.** NRS 268.061 is hereby amended to read as follows:

2 268.061 Except as otherwise provided in this section and NRS 268.063,
3 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, **and subsection**
4 **3 of NRS 496.080**, except as otherwise provided by federal law, except as
5 otherwise required pursuant to a cooperative agreement entered into pursuant to
6 NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1,
7 2004, except if the governing body is entering into a joint development agreement
8 for real property owned by the city to which the governing body is a party, except
9 for a lease of residential property with a term of 1 year or less and except for the
10 sale or lease of real property larger than 1 acre which is approved by the voters at a
11 primary or general election, primary or general city election or special election:

12 1. If a governing body has determined by resolution that the sale or lease of
13 any real property owned by the city will be in the best interest of the city, it may
14 sell or lease the real property in the manner prescribed for the sale or lease of real
15 property in NRS 268.062.

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

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

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

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

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

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

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

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

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

41 (a) Lease the real property; or

42 (b) Sell the real property for:

43 (1) Cash; or

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

47 5. A governing body may sell or lease any real property owned by the city
48 without complying with the provisions of this section and NRS 268.059 and
49 268.062 to:

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

52 (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;

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

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

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

(b) Another governmental entity if:

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

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

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

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

6. The governing body 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 the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

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

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

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

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

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

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

~~(a) Abutter's rights of light, view or air;~~

~~(b) Easements of access to and from abutting land;~~

~~(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available 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 271.045.~~

~~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.] (Deleted by amendment.)~~

Sec. 6. ~~{Section 10 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1982, as last amended by chapter 281, 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. [If] 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. 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. 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. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.~~

~~[9.] 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.~~

~~[10.] 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.~~

~~[11.] 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.~~

~~[12.] 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.~~

~~[13.] 14. Provide its own fire protection, police and crash and rescue service.~~

~~[14.] 15. Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.~~

~~[15.] 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.~~

~~[16.] 17. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.~~

~~[17.] 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.~~ (Deleted by amendment.)

**Sec. 7. Section 1 of Assembly Bill No. 289 of this session is hereby
repealed.**

**Sec. 8. 1. This section and section 7 of this act become effective upon
passage and approval.**

**2. Sections 2 to 6, inclusive, of this act become effective on October 1,
2007.**

TEXT OF REPEALED SECTION

Section 1 of Assembly Bill No. 289 of this session:

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.*