

Amendment No. 653

Senate Amendment to Assembly Bill No. 220 Second Reprint (BDR 22-551)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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 dashed underlining*** is newly added transitory language.

HAC/EGO



Date: 5/10/2009

A.B. No. 220—Makes various changes regarding the purchase of property for school construction. (BDR 22-551)



ASSEMBLY BILL NO. 220—ASSEMBLYMEN SMITH, ANDERSON, BOBZIEN; ATKINSON,
CONKLIN, KIHUEN, LESLIE, MASTROLUCA AND OCEGUERA

MARCH 2, 2009

Referred to Committee on Government Affairs

SUMMARY—Makes various changes regarding the purchase of property for school construction. (BDR 22-551)

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

~

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

AN ACT relating to the subdivision of land; revising the requirements for the purchase of property for school construction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a multistep process for obtaining approval for the subdivision of land. (NRS 278.320-278.460) One of the preliminary requirements is a determination of the need for a school in the area in which the subdivision is located. (NRS 278.330) If a school is needed, the subdivider is required to make suitable land within the proposed subdivision available for purchase by the school district at a price which does not exceed the fair market value of the land. Under existing law, if the school district does not construct a school on the land within 10 years from the date of purchase, the land must be offered for resale back to the subdivider or his successor in interest. (NRS 278.346)

This bill provides that, in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County), the school district and subdivider may negotiate a purchase price which is the lesser of: (1) the fair market value of the land on the date of purchase; or (2) the fair market value of the land at the time the tentative subdivision map was approved plus the costs of certain expenses paid by the subdivider. This bill also provides that, in such a county, if the purchase is not completed within 5 years after the final map that shows the school site is approved, the subdivider need not continue to set aside the land for the school district. This bill further requires a school district in such a county *that purchased land for a school site* to offer the land back to the subdivider or successor in interest if construction on a school has not begun at the site within ~~5~~ *10* years from the date ~~of purchase unless the school district has requested an exemption from the planning commission to delay construction of the school for up to another 5 years. This bill sets forth the circumstances under which the school district may apply for such an exemption.~~ *on which the final map that shows the school site was approved.*

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

Section 1. NRS 278.346 is hereby amended to read as follows:

278.346 1. The planning commission or its designated representative ~~(f)~~ or, if there is no planning commission, the clerk or other designated representative of the governing body shall *, not more than 10 days after the tentative map is filed pursuant to the provisions of subsection 2 of NRS 278.330,* forward a copy of the tentative map to the board of trustees of the school district within which the proposed subdivision is located. Within 15 days after receipt of the copy, the board of trustees *or its designee* shall, if a school site is needed within the area, notify the commission or governing body that a site is requested.

2. If the board of trustees requests a site ~~(f) the person proposing the subdivision~~ :

(a) The subdivider shall , except as otherwise provided in subsection 8, set aside a site of the size which is determined by the board. (The person proposing the subdivision)

(b) The subdivider and the board of trustees shall , except as otherwise provided in subsections 7 and 8, negotiate for the price of the site, which must not exceed the fair market value of the land as determined by an independent appraisal paid for by the board.

3. If any land purchased by ~~(a) the~~ school district pursuant to the provisions of ~~(this subsection have)~~ *subsection 2 has* not been placed in use as a school site at the end of 10 years from the date of purchase, the land must be offered to the subdivider or his successor in interest at a sale price equal to the fair market value ~~(f) If such person~~ *of the land at the time (such determination is made,) of the offer, as determined by an independent appraisal paid for by the board.*

4. *If the subdivider or his successor in interest* does not accept ~~(the offer,) an offer made pursuant to the provisions of subsection 3 or 9,~~ then the board of trustees may:

(a) Sell or lease such property in the manner provided in NRS 277.050 or 393.220 to 393.320, inclusive;

(b) Exchange such property in the manner provided in NRS 277.050 or 393.326 to 393.3293, inclusive; or

(c) Retain such property, if such retention is determined to be in the best interests of the school district.

~~(3-)~~ 5. Except as *otherwise* provided in subsection ~~(4-)~~ 6, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable or impractical for any school uses or purposes, the board of trustees of the county school district in which the land is located shall dispose of the land as provided in subsection ~~(2-)~~ 4.

~~(4-)~~ 6. Land dedicated under the provisions of former NRS 116.020, as it read before April 6, 1961, which the board of trustees determines is unsuitable, undesirable or impractical for school purposes may be reconveyed without cost to the dedicator or his successor or successors in interest.

7. *Except as otherwise provided in subsection 8, in a county whose population is 100,000 or more but less than 400,000, the school district may purchase the site for a price negotiated between the subdivider and the board of trustees, which price must not exceed the lesser of:*

(a) The fair market value of the land at the time the tentative map was approved, as determined by an independent appraisal paid for by the board, plus

any costs paid by the subdivider with respect to that land between the date the tentative map was approved and the date of purchase; or

(b) The fair market value of the land on the date of purchase, as determined by an independent appraisal paid for by the board.

8. If, 5 years after the date on which the final map that contains the school site was approved, a school district has not purchased the site pursuant to the provisions of subsection 7, the subdivider need not continue to set aside the site pursuant to the provisions of subsection 2.

9. ~~Except as otherwise provided in subsection 10, if, 5~~ If, 10 years after the date of purchase of a school site pursuant to subsection 7, on which the final map that contains the school site was approved, construction of a school at the school site has not yet begun, the land purchased by the school district pursuant to subsection 7 must be offered to the subdivider or his successor in interest at a sale price equal to the fair market value of the land at the time ~~such determination is made,~~ of the offer, as determined by an independent appraisal paid for by the board.

~~10. The school district may apply to the planning commission for an extension of not more than 5 years to the limitation set forth in subsection 9 for the construction of a school at the school site. To apply for an extension pursuant to this subsection, the school district must demonstrate the existence of extenuating circumstances which have caused the delay in beginning the construction of the school. The planning commission must consider an application for an extension requested pursuant to this subsection at a public hearing. As used in this subsection "extenuating circumstances" may include, without limitation:~~

~~(a) Changes in the demand for a school site due to changes in relevant demographics;~~

~~(b) Delays or other significant changes in the construction of the proposed subdivision;~~

~~(c) A temporary lack of funds available to the school district to construct the school;~~

~~(d) Any other issue or problem related to the construction of the school that could not have been reasonably anticipated by the school district at the time the school site was purchased, including, without limitation, environmental issues at the school site and the unavailability of building materials;~~

~~11. If a school district receives an extension pursuant to subsection 10 and the school district does not begin construction of a school at the school site before the expiration of such extension, the land must be offered to the subdivider or his successor in interest at a sale price equal to the fair market value of the land at the time that the extension expires, as determined by an independent appraisal paid for by the board.~~