

**Amendment No. 58**

Assembly Amendment to Assembly Bill No. 42 (BDR 20-187)

**Proposed by:** Assembly Committee on Government Affairs

**Amends:** Summary: Yes Title: Yes 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 underlining* is newly added transitory language.

WBD/EGO



Date: 4/19/2011

A.B. No. 42—Authorizes a county to dispose of certain real property acquired from the Federal Government in certain circumstances without obtaining an appraisal. (BDR 20-187)



ASSEMBLY BILL NO. 42—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF MINERAL COUNTY)

PREFILED DECEMBER 14, 2010

Referred to Committee on Government Affairs

SUMMARY—Authorizes a county to ~~{dispose of}~~ lease certain real property acquired from the Federal Government in certain circumstances without obtaining an appraisal. (BDR 20-187)

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 counties; authorizing a county to ~~{sell,}~~ lease ~~{for otherwise dispose of}~~ certain real property acquired directly from the Federal Government in certain circumstances without obtaining an appraisal; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, a board of county commissioners is authorized to sell, lease or otherwise dispose of real property owned by the county for the purposes of redevelopment or economic development without first offering the real property to the public and for less than its fair market value if the board: (1) obtains an appraisal of the real property; and (2) adopts a resolution finding that it is in the best interest of the public to sell, lease or otherwise dispose of the real property on those terms. (NRS 244.2815) **Section 2 of this bill ~~{creates an exception to the requirement for}~~ authorizes the board of county commissioners of a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties) to lease real property without** obtaining an appraisal if: (1) the real property was acquired by the county from the Federal Government; and (2) the terms and conditions under which the real property was acquired ~~{restrict}~~ **prohibit the ~~{use of}~~ sale of the real property. ~~{,}~~ and provide for the reversion of the title to the real property to the Federal Government upon its demand. The board is required to comply with all other requirements of existing law applicable to such a lease, including the requirement for the adoption of a resolution that the lease is in the best interest of the public.**

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

**Section 1.** 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, **244.2815**, 244.2825, 244.2835, 244.284, 244.287, 244.290, 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 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, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity 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) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, 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 one independent appraiser or two independent appraisers, as applicable, 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.

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.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

1       **Sec. 2.** NRS 244.2815 is hereby amended to read as follows:

2       244.2815 1. A board of county commissioners may sell, lease or otherwise  
3 dispose of real property for the purposes of redevelopment or economic  
4 development:

5       (a) Without first offering the real property to the public; and

6       (b) For less than fair market value of the real property.

7       2. Before a board of county commissioners may sell, lease or otherwise  
8 dispose of real property pursuant to this section, the board must:

9       (a) ~~[Obtain]~~ Except as otherwise provided in subsection 3, obtain an appraisal  
10 of the real property pursuant to NRS 244.2795 ~~unless~~

11 ~~(1) The real property was acquired by the county directly from the~~  
12 ~~Federal Government; and~~

13 ~~(2) The terms and conditions under which the real property was acquired~~  
14 ~~restrict the use or sale of the real property;]~~ and

15       (b) Adopt a resolution finding that it is in the best interest of the public to sell,  
16 lease or otherwise dispose of the real property:

17       (1) Without offering the real property to the public; and

18       (2) For less than fair market value of the real property.

19       3. The board of county commissioners of a county whose population is less  
20 than 45,000 may lease real property pursuant to this section without obtaining  
21 the appraisal otherwise required pursuant to subsection 2 if:

22       (a) The real property was acquired by the county directly from the Federal  
23 Government; and

24       (b) The terms and conditions under which the real property was acquired  
25 prohibit the sale of the real property and provide for the reversion of the title to  
26 the real property to the Federal Government upon demand by the Federal  
27 Government.

28       4. As used in this section:

29       (a) "Economic development" means:

30       (1) The establishment of new commercial enterprises or facilities within  
31 the county;

32       (2) The support, retention or expansion of existing commercial enterprises  
33 or facilities within the county;

34       (3) The establishment, retention or expansion of public, quasi-public or  
35 other facilities or operations within the county;

36       (4) The establishment of residential housing needed to support the  
37 establishment of new commercial enterprises or facilities or the expansion of  
38 existing commercial enterprises or facilities; or

39       (5) Any combination of the activities described in subparagraphs (1) to (4),  
40 inclusive,

41       ➤ to create and retain opportunities of employment for the residents of the county.

42       (b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

43       **Sec. 3.** NRS 244.2825 is hereby amended to read as follows:

44       244.2825 1. ~~[A]~~ Unless the provisions of NRS 244.2815 apply, a board of  
45 county commissioners may transfer real property which was acquired by the county  
46 directly from the Federal Government to a person without complying with the  
47 provisions of NRS 244.281 if the board of county commissioners determines that:

48       (a) The property is part of an original mining townsite;

49       (b) The person and the person's predecessors in interest, if any, have  
50 continuously claimed, possessed and occupied such property for at least the 25  
51 years immediately preceding the date of the transfer;

(c) The person's claim of right to possession of the property is based upon a written instrument issued to the person or the person's predecessors in interest by a person who claimed a right to possess the property; and

(d) The person or the person's predecessors in interest have paid all taxes that have been assessed against the property for the period during which the person and the person's predecessors in interest have claimed, possessed and occupied the property.

2. ~~The [Unless the provisions of NRS 244.2815 apply, the]~~ board of county commissioners may sell real property which was acquired by the county directly from the Federal Government to a person without complying with the provisions of NRS 244.281 if the board of county commissioners determines that the requirements set forth in paragraphs (a) and (b) of subsection 1 apply to the property. To establish a price for a sale pursuant to this subsection, a board of county commissioners shall obtain an appraisal of the property from a person who is certified to appraise real estate pursuant to chapter 645C of NRS. The price of property sold pursuant to this subsection must be equal to the sum of the appraised value of the property plus the greater of:

(a) One hundred dollars; or

(b) The balance of the state, county and municipal taxes that are due and owing on the land for the 5 years immediately preceding the date of the sale.

3. For purposes of this section, a person shall be deemed to have continuously possessed and occupied real property if during the time the person claims that the person and the person's predecessors in interest, if any, have possessed and occupied the real property, the real property has been:

(a) Usually inhabited, cultivated or improved by the person or the person's predecessors in interest;

(b) Protected by a substantial enclosure erected by the person or the person's predecessors in interest; or

(c) Used by the person or the person's predecessors in interest for the production of fuel, timber, ore or minerals, for husbandry or pasturage or for any other habitual use that the board of county commissioners determines to be indicative of possession and occupancy.

4. Before submitting documents to the county recorder to record a transfer or sale of property to a person pursuant to this section, the board of county commissioners shall:

(a) Charge and collect from the person to whom the real property is being transferred or sold a payment in an amount equal to the sum of:

(1) If applicable, the sales price determined pursuant to subsection 2; and

(2) The total cost to the county of:

(I) Acquiring the property from the Federal Government; and

(II) Conveying the property to the person; and

(b) Submit the money collected pursuant to this section to the county treasurer.

5. As used in this section, "original mining townsite" means real property owned by the Federal Government upon which improvements were made:

(a) Because a mining operation was located near the property; and

(b) Based upon the belief that:

(1) The property had been or would be acquired from the Federal Government by the entity that operated the mine; or

(2) The person who made the improvement had a valid claim for acquiring the property from the Federal Government.

**Sec. 4.** This act becomes effective upon passage and approval.