
ASSEMBLY BILL NO. 198—ASSEMBLYMEN LEAVITT,
ROBERTS; HANSEN AND HARDY

FEBRUARY 18, 2019

JOINT SPONSORS: SENATORS HARDY AND HAMMOND

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the use and ownership
of certain governmental real property.
(BDR 20-953)

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 real property; authorizing a board of county commissioners, a governing body of a city and the State Land Registrar to offer to convey certain real property to private property owners at no cost under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for the sale or lease of real property by counties, incorporated cities and the State Land Registrar. In accordance with these requirements, a board of county commissioners, a governing body of a city and the State Land Registrar is required, with limited exceptions, to obtain two independent appraisals of the fair market value of the real property and to sell or lease the real property upon sealed bids followed by oral offers. (NRS 244.2795, 244.281, 244.283, 268.059, 268.062, 321.007, 321.335) **Sections 1, 4 and 8** of this bill exempt certain real property that a person has mistakenly occupied and maintained for 20 years or more from these requirements and, instead, authorizes a board of county commissioners, a governing body of a city or the State Land Registrar to convey such real property at no cost without satisfying the requirements for the sale or lease of real property. If the county, the city or the State transfers such property to a person, the property will be added to the property tax rolls and the person is then responsible for paying future property taxes assessed on the property. **Sections 2, 3, 5-7, 9-11** of this bill make conforming changes.



* A B 1 9 8 *

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a private property owner has occupied and maintained for at least 20 years a portion of adjacent real property owned by a county with the belief that the adjacent property is owned by the private property owner, the board of county commissioners may, except as otherwise provided in subsection 2, convey such adjacent real property to the private property owner at no cost.

2. Such a conveyance must not be in contravention of any condition in a gift or devise of real property to the county.

3. If any real property is conveyed pursuant to this section:

(a) The property must be added to the property tax rolls; and

(b) The private property owner to whom the property is conveyed is responsible for paying property taxes on such property as of the date of conveyance.

Sec. 2. 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, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, *and section 1 of this act*, 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



1 been prepared not more than 6 months before the date on which the
2 real property is offered for sale or lease.

3 (b) Select the one independent appraiser or two independent
4 appraisers, as applicable, from the list of appraisers established
5 pursuant to subsection 2.

6 (c) Verify the qualifications of each appraiser selected pursuant
7 to paragraph (b). The determination of the board of county
8 commissioners as to the qualifications of the appraiser is conclusive.

9 2. The board of county commissioners shall adopt by ordinance
10 the procedures for creating or amending a list of appraisers qualified
11 to conduct appraisals of real property offered for sale or lease by the
12 board. The list must:

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

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

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

22 4. An appraiser shall not perform an appraisal on any real
23 property for sale or lease by the board of county commissioners if:

24 (a) The appraiser has an interest in the real property or an
25 adjoining property;

26 (b) The real property is located in a county whose population is
27 45,000 or more and any person who is related to the appraiser has an
28 interest in the real property or an adjoining property and the
29 relationship between the appraiser and the person is within the third
30 degree of consanguinity or affinity; or

31 (c) The real property is located in a county whose population is
32 less than 45,000 and any person who is related to the appraiser has
33 an interest in the real property or an adjoining property and the
34 relationship between the appraiser and the person is within the
35 second degree of consanguinity or affinity.

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

38 (a) The sale or lease is void; and

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

42 **Sec. 3.** NRS 244.281 is hereby amended to read as follows:

43 244.281 1. Except as otherwise provided in this subsection
44 and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825,
45 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to



278.4965, inclusive, and subsection 3 of NRS 496.080, **and section 1 of this act**, 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 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:

(a) 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:

(1) Sell the property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

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

(2) 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:

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

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

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), 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.

(c) Except as otherwise provided in this paragraph, 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



1 shall appoint two or more disinterested, competent real estate
2 appraisers pursuant to NRS 244.2795 to appraise the property. If the
3 board of county commissioners holds a public hearing on the matter
4 of the fair market value of the property, one disinterested, competent
5 appraisal of the property is sufficient before selling or leasing it.
6 Except for property acquired pursuant to NRS 371.047, the board of
7 county commissioners shall not sell or lease it for less than the
8 highest appraised value.

9 (d) If the property is appraised at \$1,000 or more, the board of
10 county commissioners may:

11 (1) Lease the property; or

12 (2) Sell the property either for cash or for not less than 25
13 percent cash down and upon deferred payments over a period of not
14 more than 10 years, secured by a mortgage or deed of trust, bearing
15 such interest and upon such further terms as the board of county
16 commissioners may specify.

17 (e) A board of county commissioners may sell or lease any real
18 property owned by the county without complying with the
19 provisions of NRS 244.282 or 244.283 to:

20 (1) A person who owns real property located adjacent to the
21 real property to be sold or leased if the board has determined by
22 resolution that the sale will be in the best interest of the county and
23 the real property is a:

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

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

32 (III) Parcel which is subject to a deed restriction
33 prohibiting the use of the real property by anyone other than the
34 person who owns real property adjacent to the real property for sale
35 or lease.

36 (2) The State or another governmental entity if:

37 (I) The sale or lease restricts the use of the real property
38 to a public use; and

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

41 (f) A board of county commissioners that disposes of real
42 property pursuant to paragraph (d) is not required to offer to
43 reconvey the real property to the person from whom the real
44 property was received or acquired by donation or dedication.



(g) 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.

2. 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.

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

Sec. 4. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a private property owner has occupied and maintained for at least 20 years a portion of adjacent real property owned by a city with the belief that the adjacent property is owned by the private property owner, the governing body of the city may, except as otherwise provided in subsection 2, convey such adjacent real property to the private property owner at no cost.

2. Such a conveyance must not be in contravention of any condition in a gift or devise of real property to the city.

3. If any real property is conveyed pursuant to this section:

(a) The property must be added to the property tax rolls; and

(b) The private property owner to whom the property is conveyed is responsible for paying property taxes on such property as of the date of conveyance.

Sec. 5. 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, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, ***and section 4 of this act***, 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, 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, primary or general city election or special election, the governing body 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 governing body 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 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 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 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:

(a) The appraiser has an interest in the real property or an adjoining property;



(b) The real property is located in a city in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a city in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

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.

Sec. 6. NRS 268.061 is hereby amended to read as follows:

268.061 1. Except as otherwise provided in this subsection and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, *and section 4 of this act*, 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, 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 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:

(a) 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 sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

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

(2) 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:



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

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

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), 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.

(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than the highest appraised value.

(d) If the real property is appraised at \$1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

(II) 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 governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and 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



1 person who owns real property adjacent to the real property offered
2 for sale or lease.

3 (2) The State or another governmental entity if:

4 (I) The sale or lease restricts the use of the real property
5 to a public use; and

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

8 (f) A governing body that disposes of real property pursuant to
9 paragraph (e) is not required to offer to reconvey the real property to
10 the person from whom the real property was received or acquired by
11 donation or dedication.

12 (g) If real property that is offered for sale or lease pursuant to
13 this section is not sold or leased at the initial offering of the contract
14 for the sale or lease of the real property, the governing body may
15 offer the real property for sale or lease a second time pursuant to this
16 section. If there is a material change relating to the title, zoning or
17 an ordinance governing the use of the real property, the governing
18 body must obtain a new appraisal of the real property pursuant to
19 the provisions of NRS 268.059 before offering the real property for
20 sale or lease a second time. If real property that is offered for sale or
21 lease pursuant to this section is not sold or leased at the second
22 offering of the contract for the sale or lease of the real property, the
23 governing body may list the real property for sale or lease at
24 the appraised value with a licensed real estate broker, provided that
25 the broker or a person related to the broker within the first degree of
26 consanguinity or affinity does not have an interest in the real
27 property or an adjoining property.

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

30 (a) The sale or lease is void; and

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

34 **Sec. 7.** NRS 268.062 is hereby amended to read as follows:

35 268.062 1. Except as otherwise provided in this section and
36 NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to
37 278.4965, inclusive, and subsection 4 of NRS 496.080, **and section**
38 **4 of this act**, except as otherwise required by federal law, except as
39 otherwise required pursuant to a cooperative agreement entered into
40 pursuant to NRS 277.050 or 277.053 or an interlocal agreement in
41 existence on October 1, 2004, except if the governing body is
42 entering into a joint development agreement for real property owned
43 by the city to which the governing body is a party, except for a lease
44 of residential property with a term of 1 year or less, except for the
45 sale or lease of real property to a public utility, as defined in



1 NRS 704.020, to be used for a public purpose and except for the sale
2 or lease of real property larger than 1 acre which is approved by the
3 voters at a primary or general election, the governing body shall, in
4 open meeting by a majority vote of the members and before
5 ordering the sale or lease at auction of any real property, adopt a
6 resolution declaring its intention to sell or lease the property at
7 auction. The resolution must:

8 (a) Describe the property proposed to be sold or leased in such a
9 manner as to identify it;

10 (b) Specify the minimum price and the terms upon which the
11 property will be sold or leased; and

12 (c) Fix a time, not less than 3 weeks thereafter, for a public
13 meeting of the governing body to be held at its regular place of
14 meeting, at which sealed bids will be received and considered.

15 2. Notice of the adoption of the resolution and of the time and
16 place of holding the meeting must be given by:

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

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

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

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

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

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

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

42 4. Before accepting any written bid, the governing body shall
43 call for oral bids. If, upon the call for oral bidding, any responsible
44 person offers to buy or lease the property upon the terms and
45 conditions specified in the resolution, for a price exceeding by at



1 least 5 percent the highest written bid, then the highest oral bid
2 which is made by a responsible person must be finally accepted.

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

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

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

17 8. The governing body may require any person requesting that
18 real property be sold pursuant to the provisions of this section to
19 deposit a sufficient amount of money to pay the costs to be incurred
20 by the governing body in acting upon the application, including the
21 costs of publication and the expenses of appraisal. This deposit must
22 be refunded whenever the person making the deposit is not the
23 successful bidder. The costs of acting upon the application,
24 including the costs of publication and the expenses of appraisal,
25 must be borne by the successful bidder.

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

28 (a) The sale or lease is void; and

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

32 **Sec. 8.** Chapter 321 of NRS is hereby amended by adding
33 thereto a new section to read as follows:

34 *1. If a private property owner has occupied and maintained*
35 *for at least 20 years a portion of adjacent real property owned by*
36 *the State with the belief that the adjacent property is owned by the*
37 *private property owner, the State Land Registrar may, except as*
38 *otherwise provided in subsection 2, convey such adjacent real*
39 *property to the private property owner at no cost.*

40 *2. Such a conveyance must not be in contravention of any*
41 *condition in a gift or devise of real property to the State.*

42 *3. If any real property is conveyed pursuant to this section:*



1 (a) *The property must be added to the property tax rolls; and*
2 (b) *The private property owner to whom the property is*
3 *conveyed is responsible for paying property taxes on such property*
4 *as of the date of conveyance.*

5 **Sec. 9.** NRS 321.007 is hereby amended to read as follows:

6 321.007 1. Except as otherwise provided in subsection 5,
7 NRS 321.008, 321.402 to 321.418, inclusive, 322.061, 322.063,
8 322.065 or 322.075, **and section 8 of this act**, except as otherwise
9 required by federal law, except for land that is sold or leased to a
10 public utility, as defined in NRS 704.020, to be used for a public
11 purpose, except for land that is sold or leased to a state or local
12 governmental entity, except for a lease which is part of a contract
13 entered into pursuant to chapter 333 of NRS and except for land that
14 is sold or leased pursuant to an agreement entered into pursuant to
15 NRS 277.080 to 277.170, inclusive, when offering any land for sale
16 or lease, the State Land Registrar shall:

17 (a) Obtain an independent appraisal of the land before selling or
18 leasing it. The appraisal must have been prepared not more than 6
19 months before the date on which the land is offered for sale or lease.

20 (b) Notwithstanding the provisions of chapter 333 of NRS,
21 select an independent appraiser from the list of appraisers
22 established pursuant to subsection 2.

23 (c) Verify the qualifications of an appraiser selected pursuant to
24 paragraph (b). The determination of the State Land Registrar as to
25 the qualifications of an appraiser is conclusive.

26 2. The State Land Registrar shall adopt regulations for the
27 procedures for creating or amending a list of appraisers qualified to
28 conduct appraisals of land offered for sale or lease by the State Land
29 Registrar. The list must:

30 (a) Contain the names of all persons qualified to act as a general
31 appraiser in the same county as the land that may be appraised; and

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

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

38 4. An appraiser shall not perform an appraisal on any land
39 offered for sale or lease by the State Land Registrar if the appraiser
40 or a person related to the appraiser within the third degree of
41 consanguinity or affinity has an interest in the land or an adjoining
42 property.

43 5. If a lease of land is for residential property and the term of
44 the lease is 1 year or less, the State Land Registrar shall obtain an
45 analysis of the market value of similar rental properties prepared by



a licensed real estate broker or salesperson when offering such a property for lease.

6. If land 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 land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 10. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.008, 321.125, 321.402 to 321.418, inclusive, 322.061, 322.063, 322.065 or 322.075, *and section 8 of this act*, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

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

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;



(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person



1 making the deposit is not the successful bidder. The costs of acting
2 upon the application, including the costs of publication and the
3 expenses of appraisal, must be borne by the successful bidder.

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

19 **Sec. 11.** NRS 371.047 is hereby amended to read as follows:

20 371.047 1. A county may use the proceeds of the tax imposed
21 pursuant to NRS 371.043 or 371.045, or of bonds, notes or other
22 obligations incurred to which the proceeds of those taxes are
23 pledged to finance a project related to the construction of a highway
24 with limited access, to:

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

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

37 2. A county may, in accordance with NRS 244.265 to 244.296,
38 inclusive, **and section 1 of this act**, dispose of any residential real
39 property purchased pursuant to this section, and may reserve and
40 except easements, rights or interests related thereto, including, but
41 not limited to:

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

43 (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 371.043 or 371.045, as applicable.

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. 12. This act becomes effective on July 1, 2019.

