

Amendment No. 376

Assembly Amendment to Assembly Bill No. 198	(BDR 20-953)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.





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~~ sale or lease of certain ~~governmental~~ real property ~~owned by the~~ Department of Transportation. (BDR ~~20-953~~ 35-953)

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~~ revising certain provisions relating to the sale or lease of certain real property ~~to private property owners at no cost under certain circumstances~~ owned by the Department of Transportation; 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.}~~ Under existing law, the Department of Transportation is authorized to acquire real property considered necessary for highway purposes. The Department or Board of Directors of the Department is further authorized to lease, relinquish or dispose of such real property under certain circumstances. (NRS 408.487, 408.507, 408.533) Section 12 of this bill requires the Department or Board, before relinquishing or disposing of property that the Department has determined is no longer necessary for highway purposes to a county, city or town, to offer the right of first refusal to any abutting property owner. Section 13 of this bill authorizes the Department

to offer for lease to an abutting property owner any property which is not in current use by the Department. Section 12 requires the Department to require a county, city or town to honor any such lease before the Department may relinquish or dispose of real property to a county, city or town.

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.~~ **(Deleted by amendment.)**

**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, 244.2823, 244.2825, 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 277.052 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 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:~~

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

~~(b) The real property is located 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 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.] (Deleted by amendment.)~~

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

~~244.281 1. Except as otherwise provided in this subsection and 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 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 2 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 shall appoint two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the property is sufficient before selling or leasing it. Except for property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than the highest appraised value.~~

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

~~(1) Lease the property; or~~

~~(2) 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.~~

~~(e) 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:~~

~~(1) 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 the sale will be in the best interest of the county 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 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.~~

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

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

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

~~— (f) A board of county commissioners that disposes of real property pursuant to paragraph (d) 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.~~

~~— (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.] (Deleted by amendment.)~~

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

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

**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:~~



~~1 (a) If a governing body has determined by resolution that the sale or lease of~~  
~~2 any real property owned by the city will be in the best interest of the city, it may~~  
~~3 sell or lease the real property in the manner prescribed for the sale or lease of real~~  
~~4 property in NRS 268.062.~~

~~5 (b) Before the governing body may sell or lease any real property as provided~~  
~~6 in paragraph (a), it shall:~~

~~7 (1) Post copies of the resolution described in paragraph (a) in three public~~  
~~8 places in the city; and~~

~~9 (2) Cause to be published at least once a week for 2 successive weeks, in a~~  
~~10 newspaper qualified under chapter 238 of NRS that is published in the county in~~  
~~11 which the real property is located, a notice setting forth:~~

~~12 (I) A description of the real property proposed to be sold or leased in~~  
~~13 such a manner as to identify it;~~

~~14 (II) The minimum price, if applicable, of the real property proposed to~~  
~~15 be sold or leased; and~~

~~16 (III) The places at which the resolution described in paragraph (a) has~~  
~~17 been posted pursuant to subparagraph (1), and any other places at which copies of~~  
~~18 that resolution may be obtained.~~

~~19 If no qualified newspaper is published within the county in which the real~~  
~~20 property is located, the required notice must be published in some qualified~~  
~~21 newspaper printed in the State of Nevada and having a general circulation within~~  
~~22 that county.~~

~~23 (c) If the governing body by its resolution finds additionally that the real~~  
~~24 property to be sold is worth more than \$1,000, the governing body shall, as~~  
~~25 applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to~~  
~~26 determine the value of the real property. Except for real property acquired pursuant~~  
~~27 to NRS 371.047, the governing body shall not sell or lease it for less than the~~  
~~28 highest appraised value.~~

~~29 (d) If the real property is appraised at \$1,000 or more, the governing body may:~~

~~30 (1) Lease the real property; or~~

~~31 (2) Sell the real property for:~~

~~32 (I) Cash; or~~

~~33 (II) Not less than 25 percent cash down and upon deferred payments~~  
~~34 over a period of not more than 10 years, secured by a mortgage or deed of trust~~  
~~35 bearing such interest and upon such further terms as the governing body may~~  
~~36 specify.~~

~~37 (e) A governing body may sell or lease any real property owned by the city~~  
~~38 without complying with the provisions of this section and NRS 268.059 and~~  
~~39 268.062 to:~~

~~40 (1) A person who owns real property located adjacent to the real property~~  
~~41 to be sold or leased if the governing body has determined by resolution that the sale~~  
~~42 or lease will be in the best interest of the city and the real property is a:~~

~~43 (I) Remnant that was separated from its original parcel due to the~~  
~~44 construction of a street, alley, avenue or other thoroughfare, or portion thereof,~~  
~~45 flood control facility or other public facility;~~

~~46 (II) Parcel that, as a result of its size, is too small to establish an~~  
~~47 economically viable use by anyone other than the person who owns real property~~  
~~48 adjacent to the real property offered for sale or lease; or~~

~~49 (III) Parcel which is subject to a deed restriction prohibiting the use of~~  
~~50 the real property by anyone other than the person who owns real property adjacent~~  
~~51 to the real property offered for sale or lease.~~

~~52 (2) The State or another governmental entity if:~~

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

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

~~— (f) A governing body that disposes of real property pursuant to paragraph (c) 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.~~

~~— (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 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.~~

~~— 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.~~ **(Deleted by amendment.)**

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

~~— 268.062 1. Except as otherwise provided in this section and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and section 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 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 2 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.~~

~~— 2. At the time and place fixed in the resolution for the meeting of the governing body, 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 chair of the governing body 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 the contract which are to be performed concurrently therewith.~~

~~— 8. The governing body may require any person requesting that real property 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 governing body in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.~~

~~— 9. 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.~~ (Deleted by amendment.)

1        **Sec. 8.** ~~[Chapter 321 of NRS is hereby amended by adding thereto a new~~  
2 ~~section to read as follows:~~

3        ~~1. If a private property owner has occupied and maintained for at least 20~~  
4 ~~years a portion of adjacent real property owned by the State with the belief that~~  
5 ~~the adjacent property is owned by the private property owner, the State Land~~  
6 ~~Registrar may, except as otherwise provided in subsection 2, convey such~~  
7 ~~adjacent real property to the private property owner at no cost.~~

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

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

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

12        ~~(b) The private property owner to whom the property is conveyed is~~  
13 ~~responsible for paying property taxes on such property as of the date of~~  
14 ~~conveyance.] (Deleted by amendment.)~~

15        **Sec. 9.** ~~[NRS 321.007 is hereby amended to read as follows:~~

16        ~~321.007 1. Except as otherwise provided in subsection 5, NRS 321.008,~~  
17 ~~321.402 to 321.418, inclusive, 322.061, 322.063, 322.065 or 322.075, and section 8~~  
18 ~~of this act, except as otherwise required by federal law, except for land that is sold~~  
19 ~~or leased to a public utility, as defined in NRS 704.020, to be used for a public~~  
20 ~~purpose, except for land that is sold or leased to a state or local governmental~~  
21 ~~entity, except for a lease which is part of a contract entered into pursuant to chapter~~  
22 ~~333 of NRS and except for land that is sold or leased pursuant to an agreement~~  
23 ~~entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land~~  
24 ~~for sale or lease, the State Land Registrar shall:~~

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

28        ~~(b) Notwithstanding the provisions of chapter 333 of NRS, select an~~  
29 ~~independent appraiser from the list of appraisers established pursuant to subsection~~  
30 ~~2.~~

31        ~~(c) Verify the qualifications of an appraiser selected pursuant to paragraph (b).~~  
32 ~~The determination of the State Land Registrar as to the qualifications of an~~  
33 ~~appraiser is conclusive.~~

34        ~~2. The State Land Registrar shall adopt regulations for the procedures for~~  
35 ~~creating or amending a list of appraisers qualified to conduct appraisals of land~~  
36 ~~offered for sale or lease by the State Land Registrar. The list must:~~

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

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

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

44        ~~4. An appraiser shall not perform an appraisal on any land offered for sale or~~  
45 ~~lease by the State Land Registrar if the appraiser or a person related to the appraiser~~  
46 ~~within the third degree of consanguinity or affinity has an interest in the land or an~~  
47 ~~adjoining property.~~

48        ~~5. If a lease of land is for residential property and the term of the lease is 1~~  
49 ~~year or less, the State Land Registrar shall obtain an analysis of the market value of~~  
50 ~~similar rental properties prepared by a licensed real estate broker or salesperson~~  
51 ~~when offering such a property for lease.~~

52        ~~6. If land is sold or leased in violation of the provisions of this section:~~

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

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

~~11. If land 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 land, the State Land Registrar may offer the land 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 land, the State Land Registrar must obtain a new appraisal of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land 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 land, the State Land Registrar may list the land 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 land or an adjoining property.] (Deleted by amendment.)~~

**Sec. 11.** ~~[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 371.043 or 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 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 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.] (Deleted by amendment.)~~

Sec. 12. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before the Department or Board may relinquish or dispose of any real property owned by the Department pursuant to NRS 408.507 or 408.533 to a county, city or town, as applicable, the Department shall afford the right of first refusal to purchase the real property to any abutting property owner:

(a) At market value; or

(b) If the Director determines such a sale is feasible and in the best interest of the State, at less than market value.

2. If the Department intends to relinquish or dispose of any real property to a local government that is subject to a lease made pursuant to subsection 5 of NRS 408.507, the Department shall require the local government to honor the existing lease before relinquishing or disposing of such real property.

Sec. 13. NRS 408.507 is hereby amended to read as follows:

408.507 1. Real property held in fee or improvements on the property acquired by the Department in advance of the actual construction, reconstruction or improvement of highways or in order to avoid the payment of excessive damages, or held by the Department pending a determination in the future on its use or disposal may be leased or rented by the Department for fair market value in such manner and for such periods as are determined by the Director to be in the best interests of the State.

2. The Director may lease for fair market value space above and below the established grade line of the highway to state and public agencies and private persons in such manner and for such periods as the Director determines are in the best interest of the State, if:

(a) The full use and safety of the highway will not be impaired;



(b) Vehicular or pedestrian access to that space will not be required or permitted from the established grade line; and

(c) The free flow of traffic on the highway is not interfered with in any way.

3. All leases of an interest in real property entered into by the Department before April 1, 1985, are hereby ratified. All other leases entered into pursuant to subsection 2 must be approved by the Board subject to the provisions of subsection 4.

4. ~~HH~~ Except as otherwise provided in subsection 5, if the Department receives a proposal to negotiate a lease pursuant to subsection 2, it shall publish a notice in a newspaper of general circulation at least once a week for 2 weeks, stating that it has received the proposal and that it will receive other proposals for use of the space for 60 days after the completion of the publication. A copy of the notice must be mailed to each local governmental unit in the affected area. If the property is leased, it must be to the highest bidder for the space. The requirements for publication and notice do not apply if the proposal was received from an owner who controls the property on both sides of the highway.

5. Unless otherwise prohibited by federal law, the Director may offer to lease for fair market value real property described in subsection 1 to an abutting property owner in such manner and for such periods as the Director determines are in the best interest of the State.

6. All money received for leases and rentals must be deposited with the State Treasurer to be credited to the State Highway Fund.

**Sec. 14. NRS 408.533 is hereby amended to read as follows:**

408.533 1. Except as otherwise provided in NRS 37.270 ~~HH~~ and section 12 of this act, all real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or the person's heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to



1 purchase the property by direct sale pursuant to this paragraph so requests, the  
2 person with the superior claim, as determined by the Department in its sole  
3 discretion, is entitled to purchase the property by direct sale. If a person who is  
4 entitled to purchase the property by direct sale pursuant to this paragraph  
5 reasonably believes that the Department's appraisal of the property is greater than  
6 the fair market value of the property, the person may file an objection to the  
7 appraisal with the Department. The Department shall set forth the procedure for  
8 filing an objection and the process under which a final determination will be made  
9 of the fair market value of the property for which an objection is filed. The  
10 Department shall sell the property in the manner provided in subsection 2 if:

11 (1) No person requests to purchase the property by direct sale within 60  
12 days after the notice is published pursuant to this paragraph; or

13 (2) A person who files an objection pursuant to this paragraph fails, within  
14 10 business days after receipt of a written notice of the final determination of the  
15 fair market value of the property, to notify the Department in writing that he or she  
16 wishes to purchase the property at the fair market value set forth in the notice.

17 (e) When the property is sought by another public agency for a reasonable  
18 public use, the Department may first offer the property to the public agency at its  
19 fair market value.

20 2. ~~1A11~~ Except as otherwise provided in section 12 of this act, all property,  
21 interests or improvements not included within the provisions of subsection 1 must  
22 first be offered for sale by the Department singly or in combination at public  
23 auction or by sealed bids. If the highest bid received is 90 percent or more of the  
24 Department's appraisal of the fair market value of the property, the property may be  
25 sold to the highest bidder. The notice and the terms of the sale must be published in  
26 a newspaper of general circulation in the county where the property is situated. The  
27 auctions and openings of bids must be conducted by the Department. If the property  
28 cannot be sold for 90 percent or more of its fair market value, the Department may  
29 enter into a written listing agreement with a person licensed pursuant to chapter 645  
30 of NRS to sell or lease the property for 90 percent or more of its fair market value.

31 3. It is conclusively presumed in favor of the Department and any purchaser  
32 for value that the Department acted within its lawful authority in acquiring and  
33 disposing of the property, and that the Director acted within his or her lawful  
34 authority in executing any conveyance vesting title in the purchaser. All such  
35 conveyances must be quitclaim in nature and the Department shall not warrant title,  
36 furnish title insurance or pay the tax on transfer of real property.

37 4. No person has a right of action against the Department or its employees for  
38 a violation of this section. This subsection does not prevent an action by the  
39 Attorney General on behalf of the State of Nevada or any aggrieved person.

40 5. All sums of money received by the Department for the sale of real and  
41 personal property must be deposited with the State Treasurer to be credited to the  
42 State Highway Fund, unless the Federal Highway Administration participated in  
43 acquisition of the property, in which case a pro rata share of the money obtained by  
44 disposal of the property must be paid to the Federal Highway Administration.

45 6. The Department may reserve and except easements, rights or interests from  
46 the conveyance of any real property disposed of in accordance with this section,  
47 ~~for~~ exchanged pursuant to subsection 5 of NRS 408.489 ~~or~~ or sold pursuant to  
48 section 12 of this act. The easements, rights or interests include, but are not limited  
49 to:

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

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

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

4 ~~[Sec. 12.]~~ *Sec. 15. Nothing in this act creates any right to claim adverse*  
5 *possession of any real property.*

6 *Sec. 16.* This act becomes effective on July 1, 2019.