

ASSEMBLY BILL NO. 143—ASSEMBLYMAN O’NEILL

FEBRUARY 9, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing counties.  
(BDR 20-460)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

AN ACT relating to counties; authorizing, under certain circumstances, a board of county commissioners to convey without consideration real property acquired directly from the Federal Government for purposes of clearing title to certain persons; exempting such transfers from the real property transfer tax; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law sets forth certain procedures for a board of county commissioners  
2 to transfer or sell real property. (NRS 244.2795-244.296) **Section 1** of this bill  
3 authorizes a board of county commissioners to convey, without consideration and  
4 without complying with certain requirements in existing law, real property that the  
5 county acquired directly from the Federal Government for the purpose of clearing  
6 title to the property. (NRS 244.281) The real property must be conveyed to the  
7 person or persons, as applicable, who have an interest in the property. To convey  
8 such real property, **section 1** requires the board of county commissioners to execute  
9 and record a deed, which is effective upon recordation. **Section 1** further requires  
10 the board of county commissioners, upon recordation of the deed, to send actual  
11 notice by certified mail to the person or persons to whom the property was  
12 conveyed. The notice must include, without limitation, a copy of the recorded deed  
13 and information on how the person may disclaim the interest in the property.

14 **Section 5.5** of this bill provides that if a board of county commissioners  
15 conveys any real property pursuant to **section 1** between October 1, 2023, and  
16 June 30, 2024, the county recorder of the county shall report to the Joint Interim  
17 Standing Committee on Government Affairs the number of such conveyances  
18 initiated or completed.

19 **Sections 2 and 3** of this bill make conforming changes to exempt such  
20 conveyances from the provisions that generally apply to the sale or lease of  
21 property by a board of county commissioners.



22 **Section 5** of this bill exempts conveyances executed pursuant to **section 1** from  
23 the real property transfer tax.

24 **Section 4** of this bill indicates the proper placement of **section 1** in the Nevada  
25 Revised Statutes.

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

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

3 *1. A board of county commissioners may convey real*  
4 *property, without consideration or without complying with the*  
5 *provisions of NRS 244.281, if:*

6 *(a) The real property was acquired by the county directly from*  
7 *the Federal Government for the purpose of clearing title to the*  
8 *real property; and*

9 *(b) The board of county commissioners conveys the real*  
10 *property to the person or persons, as applicable, who have an*  
11 *interest in the real property.*

12 *2. If the board of county commissioners conveys real property*  
13 *pursuant to subsection 1, the board must execute and record a*  
14 *deed, which shall be effective upon recordation. Upon recordation,*  
15 *the board of county commissioners must send actual notice by*  
16 *certified mail to the person or persons, as applicable, to whom the*  
17 *property was conveyed that includes, without limitation, a copy of*  
18 *the recorded deed and information on how the person may*  
19 *disclaim the interest in property.*

20 **Sec. 2.** NRS 244.2795 is hereby amended to read as follows:

21 244.2795 1. Except as otherwise provided in NRS 244.189,  
22 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835,  
23 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, *and*  
24 *section 1 of this act*, and subsection 3 of NRS 496.080, except as  
25 otherwise required by federal law, except as otherwise required  
26 pursuant to a cooperative agreement entered into pursuant to NRS  
27 277.050 or 277.053 or an interlocal agreement in existence on or  
28 before October 1, 2004, except if the board of county  
29 commissioners is entering into a joint development agreement for  
30 real property owned by the county to which the board of county  
31 commissioners is a party, except for a lease of residential property  
32 with a term of 1 year or less, except for the sale or lease of real  
33 property to a public utility, as defined in NRS 704.020, to be used  
34 for a public purpose, except for the sale or lease of real property to  
35 the State or another governmental entity and except for the sale or  
36 lease of real property larger than 1 acre which is approved by the  
37 voters at a primary or general election or special election, the board



1 of county commissioners shall, when offering any real property for  
2 sale or lease:

3 (a) Except as otherwise provided in this paragraph and  
4 paragraph (h) of subsection 1 of NRS 244.281, obtain two  
5 independent appraisals of the real property before selling or leasing  
6 it. If the board of county commissioners holds a public hearing on  
7 the matter of the fair market value of the real property, one  
8 independent appraisal of the real property is sufficient before selling  
9 or leasing it. The appraisal or appraisals, as applicable, must have  
10 been prepared not more than 6 months before the date on which the  
11 real property is offered for sale or lease.

12 (b) Select the one independent appraiser or two independent  
13 appraisers, as applicable, from the list of appraisers established  
14 pursuant to subsection 2.

15 (c) Verify the qualifications of each appraiser selected pursuant  
16 to paragraph (b). The determination of the board of county  
17 commissioners as to the qualifications of the appraiser is conclusive.

18 2. The board of county commissioners shall adopt by ordinance  
19 the procedures for creating or amending a list of appraisers qualified  
20 to conduct appraisals of real property offered for sale or lease by the  
21 board. The list must:

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

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

26 3. An appraiser chosen pursuant to subsection 1 must provide a  
27 disclosure statement which includes, without limitation, all sources  
28 of income that may constitute a conflict of interest and any  
29 relationship with the real property owner or the owner of an  
30 adjoining real property.

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

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

35 (b) The real property is located in a county whose population is  
36 45,000 or more and any person who is related to the appraiser has an  
37 interest in the real property or an adjoining property and the  
38 relationship between the appraiser and the person is within the third  
39 degree of consanguinity or affinity; or

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



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

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

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

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

8 244.281 1. Except as otherwise provided in this subsection  
9 and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825,  
10 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to  
11 278.4965, inclusive, *and section 1 of this act*, and subsection 3 of  
12 NRS 496.080, except as otherwise required by federal law, except as  
13 otherwise required pursuant to a cooperative agreement entered into  
14 pursuant to NRS 277.050 or 277.053 or an interlocal agreement in  
15 existence on or before October 1, 2004, except if the board of  
16 county commissioners is entering into a joint development  
17 agreement for real property owned by the county to which the board  
18 of county commissioners is a party, except for a lease of residential  
19 property with a term of 1 year or less, except for the sale or lease of  
20 real property to a public utility, as defined in NRS 704.020, to be  
21 used for a public purpose and except for the sale or lease of real  
22 property larger than 1 acre which is approved by the voters at a  
23 primary or general election or special election:

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

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

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

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

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

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

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

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



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

4 ↪ If no qualified newspaper is published within the county in which  
5 the real property is located, the required notice must be published in  
6 some qualified newspaper printed in the State of Nevada and having  
7 a general circulation within that county.

8 (c) Except as otherwise provided in this paragraph and  
9 paragraph (h), if the board of county commissioners by its resolution  
10 further finds that the real property to be sold or leased is worth more  
11 than \$1,000, the board shall select two or more disinterested,  
12 competent real estate appraisers pursuant to NRS 244.2795 to  
13 appraise the real property. If the board of county commissioners  
14 holds a public hearing on the matter of the fair market value of the  
15 property, one disinterested, competent appraisal of the real property  
16 is sufficient before selling or leasing it. Except for real property  
17 acquired pursuant to NRS 371.047, the board of county  
18 commissioners shall not sell or lease it for less than:

19 (1) If two independent appraisals were obtained, the average  
20 of the appraisals of the real property.

21 (2) If only one independent appraisal was obtained, the  
22 appraised value of the real property.

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

25 (1) Lease the real property; or

26 (2) Sell the real property either for cash or for not less than  
27 25 percent cash down and upon deferred payments over a period of  
28 not more than 10 years, secured by a mortgage or deed of trust,  
29 bearing such interest and upon such further terms as the board of  
30 county commissioners may specify.

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

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

38 (I) Remnant that was separated from its original parcel  
39 due to the construction of a street, alley, avenue or other  
40 thoroughfare, or portion thereof, flood control facility or other  
41 public facility;

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



1 (III) Parcel which is subject to a deed restriction  
2 prohibiting the use of the real property by anyone other than the  
3 person who owns real property adjacent to the real property for sale  
4 or lease.

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

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

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

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

14 (g) If real property that is offered for sale or lease pursuant to  
15 this section is not sold or leased at the initial offering of the contract  
16 for the sale or lease of the real property, the board of county  
17 commissioners may offer the real property for sale or lease a second  
18 time pursuant to this section. The board of county commissioners  
19 must obtain a new appraisal or appraisals, as applicable, of the real  
20 property pursuant to the provisions of NRS 244.2795 before  
21 offering the real property for sale or lease a second time if:

22 (1) There is a material change relating to the title, the zoning  
23 or an ordinance governing the use of the real property; or

24 (2) The appraisal or appraisals, as applicable, were prepared  
25 more than 6 months before the date on which the real property is  
26 offered for sale or lease the second time.

27 (h) If real property that is offered for sale or lease pursuant to  
28 this section is not sold or leased at the second offering of the  
29 contract for the sale or lease of the real property, the board of county  
30 commissioners may list the real property for sale or lease at the  
31 appraised value or average of the appraised value if two or more  
32 appraisals were obtained, as applicable, with a licensed real estate  
33 broker, provided that the broker or a person related to the broker  
34 within the first degree of consanguinity or affinity does not have an  
35 interest in the real property or an adjoining property. If the appraisal  
36 or appraisals, as applicable, were prepared more than 6 months  
37 before the date on which the real property is listed with a licensed  
38 real estate broker, the board of county commissioners must obtain  
39 one new appraisal of the real property pursuant to the provisions of  
40 NRS 244.2795 before listing the real property for sale or lease at the  
41 new appraised value.

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

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



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

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

6 **Sec. 4.** NRS 371.047 is hereby amended to read as follows:

7 371.047 1. A county may use the proceeds of the tax imposed  
8 pursuant to NRS 371.043 or 371.045, or of bonds, notes or other  
9 obligations incurred to which the proceeds of those taxes are  
10 pledged to finance a project related to the construction of a highway  
11 with limited access, to:

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

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

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

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

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

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

34 3. Proceeds from the sale or lease of residential real property  
35 acquired pursuant to this section must be used for the purposes set  
36 forth in this section and in NRS 371.043 or 371.045, as applicable.

37 4. For the purposes of this section, residential real property is  
38 adversely affected by a highway with limited access if the  
39 construction or proposed use of the highway:

40 (a) Constitutes a taking of all or any part of the property, or  
41 interest therein;

42 (b) Lowers the value of the property; or

43 (c) Constitutes a nuisance.

44 5. As used in this section:



1 (a) "Highway with limited access" means a divided highway for  
2 through traffic with full control of access and with grade separations  
3 at intersections.

4 (b) "Primary residence" means a dwelling, whether owned or  
5 rented by the occupant, which is the sole principal place of  
6 residence of that occupant.

7 (c) "Residential real property" means a lot or parcel of not more  
8 than 1.5 acres upon which a single-family or multifamily dwelling is  
9 located.

10 **Sec. 5.** NRS 375.090 is hereby amended to read as follows:

11 375.090 The taxes imposed by NRS 375.020, 375.023 and  
12 375.026 do not apply to:

13 1. A mere change in identity, form or place of organization,  
14 such as a transfer between a business entity and its parent, its  
15 subsidiary or an affiliated business entity if the affiliated business  
16 entity has identical common ownership.

17 2. A transfer of title to the United States, any territory or state  
18 or any agency, department, instrumentality or political subdivision  
19 thereof.

20 3. A transfer of title recognizing the true status of ownership of  
21 the real property, including, without limitation, a transfer by an  
22 instrument in writing pursuant to the terms of a land sale installment  
23 contract previously recorded and upon which the taxes imposed by  
24 this chapter have been paid.

25 4. A transfer of title without consideration from one joint  
26 tenant or tenant in common to one or more remaining joint tenants  
27 or tenants in common.

28 5. A transfer, assignment or other conveyance of real property  
29 if the owner of the property is related to the person to whom it is  
30 conveyed within the first degree of lineal consanguinity or affinity.

31 6. A transfer of title between former spouses in compliance  
32 with a decree of divorce.

33 7. A transfer of title to or from a trust without consideration if a  
34 certificate of trust is presented at the time of transfer.

35 8. Transfers, assignments or conveyances of unpatented mines  
36 or mining claims.

37 9. A transfer, assignment or other conveyance of real property  
38 to a corporation or other business organization if the person  
39 conveying the property owns 100 percent of the corporation or  
40 organization to which the conveyance is made.

41 10. A conveyance of real property by deed which becomes  
42 effective upon the death of the grantor pursuant to NRS 111.655 to  
43 111.699, inclusive, and a Death of Grantor Affidavit recorded in the  
44 office of the county recorder pursuant to NRS 111.699.



1 11. The making, delivery or filing of conveyances of real  
2 property to make effective any plan of reorganization or adjustment:

3 (a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C.  
4 §§ 101 et seq.;

5 (b) Approved in an equity receivership proceeding involving a  
6 railroad, as defined in the Bankruptcy Act; or

7 (c) Approved in an equity receivership proceeding involving a  
8 corporation, as defined in the Bankruptcy Act,

9 ➔ if the making, delivery or filing of instruments of transfer or  
10 conveyance occurs within 5 years after the date of the confirmation,  
11 approval or change.

12 12. A transfer to an educational foundation. As used in this  
13 subsection, "educational foundation" has the meaning ascribed to it  
14 in subsection 3 of NRS 388.750.

15 13. A transfer to a university foundation. As used in this  
16 subsection, "university foundation" has the meaning ascribed to it in  
17 subsection 3 of NRS 396.405.

18 14. A transfer to a library foundation. As used in this  
19 subsection, "library foundation" has the meaning ascribed to it in  
20 NRS 379.0056.

21 ***15. A conveyance of real property to a person or persons from***  
22 ***a board of county commissioners pursuant to section 1 of this act.***

23 **Sec. 5.5.** If a board of county commissioners conveys any real  
24 property pursuant to section 1 of this act between October 1, 2023,  
25 and June 30, 2024, the county recorder of the county shall, on or  
26 before July 1, 2024, report to the Joint Interim Standing Committee  
27 on Government Affairs the number of such conveyances initiated or  
28 completed.

29 **Sec. 6.** This act becomes effective on October 1, 2023, and  
30 expires by limitation on June 30, 2025.

