

ASSEMBLY BILL NO. 371—ASSEMBLYMEN SWANK  
AND ELLIOT ANDERSON

MARCH 20, 2017

Referred to Committee on Ways and Means

**SUMMARY**—Authorizes the State Land Registrar to facilitate the restoration and preservation of certain historic buildings by entering into a public-private partnership. (BDR 26-883)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 historic buildings; authorizing the State Land Registrar to purchase certain historic buildings and enter into a public-private partnership to facilitate certain activities related to such a historic building; providing requirements and exemptions relating to such a public-private partnership; establishing the Restore Nevada's Treasures Revolving Account; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 **Section 8** of this bill authorizes the State Land Registrar, to the extent that  
2 money is available, to purchase a historic building that has been determined by the  
3 Office of Historic Preservation of the State Department of Conservation and  
4 Natural Resources to be a historic building that is at risk of loss. **Section 8** also  
5 authorizes the State Land Registrar to enter into a public-private partnership for the  
6 preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a  
7 historic building so purchased and sets forth certain provisions that a contract for a  
8 public-private partnership is required to include. **Section 8** requires the public-  
9 private partnership to be structured so that the State will be repaid by the private  
10 partner for the purchase price of the historic building and the private partner will  
11 receive ownership of the historic building from the State. **Section 10** of this bill  
12 exempts such a public-private partnership from existing law governing purchasing  
13 and public works, except regarding the payment of the prevailing wage.

14 **Section 11** of this bill establishes the Restore Nevada's Treasures Revolving  
15 Account and requires that the money in the Revolving Account be used to acquire  
16 historic buildings and pay expenses related to a public-private partnership for the



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17 preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a  
18 historic building.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** Chapter 321 of NRS is hereby amended by adding  
4 thereto the provisions set forth as sections 4 to 11, inclusive, of this  
5 act.

6 **Sec. 4.** *As used in sections 4 to 11, inclusive, of this act,*  
7 *unless the context otherwise requires, the words and terms defined*  
8 *in sections 5, 6 and 7 of this act have the meanings ascribed to*  
9 *them in those sections.*

10 **Sec. 5.** *“Historic building” means a site, building, structure,*  
11 *object or district which is eligible for or included in the State*  
12 *Register of Historic Places pursuant to NRS 383.085 or the*  
13 *National Register of Historic Places or is otherwise of historical*  
14 *significance.*

15 **Sec. 6.** *“Private partner” means a person with whom the*  
16 *State Land Registrar enters into a public-private partnership.*

17 **Sec. 7.** *“Public-private partnership” means a contract*  
18 *entered into by the State Land Registrar and a private partner*  
19 *pursuant to section 8 of this act.*

20 **Sec. 8.** 1. *To the extent that money is available in the*  
21 *Restore Nevada’s Treasures Revolving Account created by section*  
22 *11 of this act, the State Land Registrar may purchase a historic*  
23 *building that has been determined by the Office of Historic*  
24 *Preservation of the State Department of Conservation and Natural*  
25 *Resources to be a historic building that is at risk of loss.*

26 2. *The State Land Registrar may enter into a public-private*  
27 *partnership with a private partner for the preservation,*  
28 *rehabilitation, restoration, reconstruction or adaptive reuse of a*  
29 *historic building purchased pursuant to subsection 1. The public-*  
30 *private partnership must be structured to facilitate the transfer of*  
31 *ownership of the historic building from the State to the private*  
32 *partner and repayment of the purchase price of the historic*  
33 *building to the State by the private partner from revenues*  
34 *generated by the historic building.*

35 3. *The contract for a public-private partnership must include,*  
36 *without limitation:*

37 (a) *The rate of interest on payments;*

38 (b) *A schedule for payments; and*



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1 (c) A provision to ensure all money expended or advanced by  
2 the State in connection with the public-private partnership is  
3 recovered in the event of a default by the private partner.

4 4. The State Land Registrar shall consult with the Office of  
5 Historic Preservation of the State Department of Conservation and  
6 Natural Resources regarding:

7 (a) Identification of historic buildings appropriate for public-  
8 private partnerships; and

9 (b) The design and restoration of a historic building pursuant  
10 to a public-private partnership.

11 **Sec. 9.** To carry out the provisions of sections 4 to 11,  
12 inclusive, of this act, the State Land Registrar may:

13 1. Employ any necessary legal, financial, technical and other  
14 consultants.

15 2. Apply for grants and accept from any source any gift,  
16 grant, donation or other form of conveyance of land, money, other  
17 real or personal property or other thing of value.

18 3. Keep any proprietary information obtained by or disclosed  
19 to the State Land Registrar during the procurement or negotiation  
20 of the public-private partnership confidential.

21 4. Adopt such regulations as the State Land Registrar deems  
22 necessary.

23 **Sec. 10.** 1. The provisions of chapters 333, 338 and 341 of  
24 NRS do not apply to a public-private partnership, except the  
25 provisions of NRS 338.013 to 338.090, inclusive, apply to a  
26 contract to perform work in connection with the preservation,  
27 rehabilitation, restoration, reconstruction or adaptive use of a  
28 historic building pursuant to a public-private partnership. The  
29 private partner and a contractor who is awarded the contract or  
30 enters into the agreement to perform the preservation,  
31 rehabilitation, restoration, reconstruction or adaptive use of the  
32 historic building shall include in the contract or other agreement  
33 the contractual provisions and stipulations that are required to be  
34 included in a contract for a public work pursuant to the provisions  
35 of NRS 338.013 to 338.090, inclusive. The State Land Registrar,  
36 the private partner, any contractor who is awarded a contract or  
37 enters into an agreement to perform such work on the historic  
38 building project and any subcontractor who performs work on the  
39 historic building project shall comply with the provisions of NRS  
40 338.013 to 338.090, inclusive, in the same manner as if a public  
41 body had undertaken the project or had awarded the contract.

42 2. The Deputy Administrator of the Public Works -  
43 Compliance and Code Enforcement Section of the State Public  
44 Works Division of the Department of Administration shall serve as  
45 the building official on the work performed in connection with the



1 *preservation, rehabilitation, restoration, reconstruction or*  
2 *adaptive use of a historic building pursuant to a public-private*  
3 *partnership.*

4 **Sec. 11. 1. *The Restore Nevada's Treasures Revolving***  
5 ***Account is hereby created as a special account in the State***  
6 ***General Fund.***

7 ***2. The State Land Registrar shall deposit into the Revolving***  
8 ***Account money received:***

9 ***(a) As a gift, grant or donation pursuant to section 9 of this***  
10 ***act; and***

11 ***(b) From payments made by a private partner pursuant to a***  
12 ***public-private partnership.***

13 ***3. The State Land Registrar may use the money in the***  
14 ***Revolving Account only for the expenses related to:***

15 ***(a) The acquisition of a historic building pursuant to section 8***  
16 ***of this act; and***

17 ***(b) Expenses relating to a public-private partnership.***

18 ***4. The State Land Registrar shall:***

19 ***(a) Approve any disbursements from the Revolving Account;***  
20 ***and***

21 ***(b) Maintain records of any such disbursement.***

22 ***5. The balance of the Revolving Account must be carried***  
23 ***forward at the end of each fiscal year.***

24 **Sec. 12.** NRS 321.007 is hereby amended to read as follows:

25 321.007 1. Except as otherwise provided in subsection 5,  
26 NRS 321.008, 322.061, 322.063, 322.065 or 322.075, ***or sections 4***  
27 ***to 11, inclusive, of this act,*** except as otherwise required by federal  
28 law, except for land that is sold or leased to a public utility, as  
29 defined in NRS 704.020, to be used for a public purpose, except for  
30 land that is sold or leased to a state or local governmental entity,  
31 except for a lease which is part of a contract entered into pursuant to  
32 chapter 333 of NRS and except for land that is sold or leased  
33 pursuant to an agreement entered into pursuant to NRS 277.080 to  
34 277.170, inclusive, when offering any land for sale or lease, the  
35 State Land Registrar shall:

36 (a) Except as otherwise provided in this paragraph, obtain two  
37 independent appraisals of the land before selling or leasing it. If the  
38 Interim Finance Committee grants its approval after discussion of  
39 the fair market value of the land, one independent appraisal of the  
40 land is sufficient before selling or leasing it. The appraisal or  
41 appraisals, as applicable, must have been prepared not more than 6  
42 months before the date on which the land is offered for sale or lease.

43 (b) Notwithstanding the provisions of chapter 333 of NRS,  
44 select the one independent appraiser or two independent appraisers,



1 as applicable, from the list of appraisers established pursuant to  
2 subsection 2.

3 (c) Verify the qualifications of each appraiser selected pursuant  
4 to paragraph (b). The determination of the State Land Registrar as to  
5 the qualifications of an appraiser is conclusive.

6 2. The State Land Registrar shall adopt regulations for the  
7 procedures for creating or amending a list of appraisers qualified to  
8 conduct appraisals of land offered for sale or lease by the State Land  
9 Registrar. The list must:

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

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

13 3. An appraiser chosen pursuant to subsection 1 must provide a  
14 disclosure statement which includes, without limitation, all sources  
15 of income of the appraiser that may constitute a conflict of interest  
16 and any relationship of the appraiser with the owner of the land or  
17 the owner of an adjoining property.

18 4. An appraiser shall not perform an appraisal on any land  
19 offered for sale or lease by the State Land Registrar if the appraiser  
20 or a person related to the appraiser within the first degree of  
21 consanguinity or affinity has an interest in the land or an adjoining  
22 property.

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

28 6. If land is sold or leased in violation of the provisions of this  
29 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 land is void if the change takes place within 5 years after  
33 the date of the void sale or lease.

34 **Sec. 13.** NRS 321.335 is hereby amended to read as follows:

35 321.335 1. Except as otherwise provided in NRS 321.008,  
36 321.125, 322.061, 322.063, 322.065 or 322.075, *or sections 4 to 11,*  
37 *inclusive, of this act,* except as otherwise required by federal law,  
38 except for land that is sold or leased to a public utility, as defined in  
39 NRS 704.020, to be used for a public purpose, except for land that is  
40 sold or leased to a state or local governmental entity, except for a  
41 lease which is part of a contract entered into pursuant to chapter 333  
42 of NRS and except for an agreement entered into pursuant to the  
43 provisions of NRS 277.080 to 277.170, inclusive, or a lease of  
44 residential property with a term of 1 year or less, after April 1, 1957,  
45 all sales or leases of any lands that the Division is required to hold



1 pursuant to NRS 321.001, including lands subject to contracts of  
2 sale that have been forfeited, are governed by the provisions of this  
3 section.

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

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

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

24 5. The notice must contain:

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

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

27 (c) A statement that the land will be sold pursuant to subsection  
28 6; and

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

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



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

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

6 (a) Contrary to the public interest.

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

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

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

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

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

22 10. The State Land Registrar may require any person  
23 requesting that state land be sold pursuant to the provisions of this  
24 section to deposit a sufficient amount of money to pay the costs to  
25 be incurred by the State Land Registrar in acting upon the  
26 application, including the costs of publication and the expenses of  
27 appraisal. This deposit must be refunded whenever the person  
28 making the deposit is not the successful bidder. The costs of acting  
29 upon the application, including the costs of publication and the  
30 expenses of appraisal, must be borne by the successful bidder.

31 11. If land that is offered for sale or lease pursuant to this  
32 section is not sold or leased at the initial offering of the contract for  
33 the sale or lease of the land, the State Land Registrar may offer the  
34 land for sale or lease a second time pursuant to this section. If there  
35 is a material change relating to the title, zoning or an ordinance  
36 governing the use of the land, the State Land Registrar must, as  
37 applicable, obtain a new appraisal or new appraisals of the land  
38 pursuant to the provisions of NRS 321.007 before offering the land  
39 for sale or lease a second time. If land that is offered for sale or  
40 lease pursuant to this section is not sold or leased at the second  
41 offering of the contract for the sale or lease of the land, the State  
42 Land Registrar may list the land for sale or lease at the appraised  
43 value with a licensed real estate broker, provided that the broker or a  
44 person related to the broker within the first degree of consanguinity



1 or affinity does not have an interest in the land or an adjoining  
2 property.  
3 **Sec. 14.** This act becomes effective on July 1, 2017.

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