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

Legislative Counsel’s Digest:
1 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.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

3. If any real property is conveyed pursuant to this section:
   (a) The property must be added to the property tax rolls; and
   (b) The private property owner to whom the property is
        conveyed is responsible for paying property taxes on such property
        as of the date of conveyance.

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

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

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

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

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

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

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

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

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

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

(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.

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 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

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

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

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

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

(c) Except as otherwise provided in this paragraph, if the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than $1,000, the board
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:
   - 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;
   - 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
   - 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:
   - The sale or lease restricts the use of the real property to a public use; and
   - 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.

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

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

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

3. If any real property is conveyed pursuant to this section:
   (a) The property must be added to the property tax rolls; and
   (b) The private property owner to whom the property is conveyed is responsible for paying property taxes on such property as of the date of conveyance.

Sec. 5. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, and section 4 of this act, except as otherwise required by federal law, except as otherwise required
pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

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

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

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

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

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

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if:

(a) The appraiser has an interest in the real property or an adjoining property;
(b) The real property is located in a city in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or
(c) The real property is located in a city in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.
5. If real property is sold or leased in violation of the provisions of this section:
   (a) The sale or lease is void; and
   (b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 6. NRS 268.061 is hereby amended to read as follows:
268.061 1. Except as otherwise provided in this subsection and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, and section 4 of this act, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:
   (a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.
   (b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:
      (1) Post copies of the resolution described in paragraph (a) in three public places in the city; and
      (2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:
(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;
(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and
(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

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

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

(d) If the real property is appraised at $1,000 or more, the governing body may:
(1) Lease the real property; or
(2) Sell the real property for:
   (I) Cash; or
   (II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:
(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:
   (I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;
   (II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or
   (III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the
person who owns real property adjacent to the real property offered
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 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 (e) 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.

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 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 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 3 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.

3. 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.

Sec. 8. Chapter 321 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
the State with the belief that the adjacent property is owned by the
private property owner, the State Land Registrar 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 State.

3. If any real property is conveyed pursuant to this section:
(a) The property must be added to the property tax rolls; and
(b) The private property owner to whom the property is
conveyed is responsible for paying property taxes on such property
as of the date of conveyance.

Sec. 9. NRS 321.007 is hereby amended to read as follows:
321.007 1. Except as otherwise provided in subsection 5,
NRS 321.008, 321.402 to 321.418, inclusive, 322.061, 322.063,
322.065 or 322.075, and section 8 of this act, except as otherwise
required by federal law, except for land that is sold or leased to a
public utility, as defined in NRS 704.020, to be used for a public
purpose, except for land that is sold or leased to a state or local
governmental entity, except for a lease which is part of a contract
entered into pursuant to chapter 333 of NRS and except for land that
is sold or leased pursuant to an agreement entered into pursuant to
NRS 277.080 to 277.170, inclusive, when offering any land for sale
or lease, the State Land Registrar shall:
(a) Obtain an independent appraisal of the land before selling or
leasing it. The appraisal must have been prepared not more than 6
months before the date on which the land is offered for sale or lease.
(b) Notwithstanding the provisions of chapter 333 of NRS,
select an independent appraiser from the list of appraisers
established pursuant to subsection 2.
(c) Verify the qualifications of an appraiser selected pursuant to
paragraph (b). The determination of the State Land Registrar as to
the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the
procedures for creating or amending a list of appraisers qualified to
conduct appraisals of land offered for sale or lease by the State Land
Registrar. The list must:
(a) Contain the names of all persons qualified to act as a general
appraiser in the same county as the land 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 owner of the land or
the owner of an adjoining property.
4. An appraiser shall not perform an appraisal on any land
offered for sale or lease by the State Land Registrar if the appraiser
or a person related to the appraiser within the third degree of
consanguinity or affinity has an interest in the land or an adjoining
property.
5. If a lease of land is for residential property and the term of
the lease is 1 year or less, the State Land Registrar shall obtain an
analysis of the market value of similar rental properties prepared by
a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:
   (a) The sale or lease is void; and
   (b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

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

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

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

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

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

5. The notice must contain:
   (a) A description of the land to be sold or leased;
   (b) A statement of the terms of sale or lease;
(c) A statement that the land will be sold pursuant to subsection 6; and
(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

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

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:
   (a) Contrary to the public interest.
   (b) For a lesser amount than is reasonable for the land involved.
   (c) On lands which it may be more beneficial for the State to reserve.
   (d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

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

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

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

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.

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