

Amendment No. 999

Assembly Amendment to Assembly Bill No. 371 (BDR S-883)  
**Proposed by:** Assembly Committee on Ways and Means  
**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE all appropriations from A.B. 371.

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.

JFD/EGO



Date: 5/31/2017

A.B. No. 371—Makes an appropriation for the purchase of the Huntridge Theater located in Las Vegas, Nevada. (BDR S-883)





ASSEMBLY BILL NO. 371—ASSEMBLYMEN SWANK  
AND ELLIOT ANDERSON

MARCH 20, 2017

Referred to Committee on Ways and Means

SUMMARY—~~[Makes an appropriation for the purchase of the Huntridge Theater located in Las Vegas, Nevada.]~~ Authorizes the State Land Registrar to facilitate the restoration and preservation of certain historic buildings by entering into a public-private partnership. (BDR ~~§ 883~~) 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 ~~[making an appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for the purchase of the Huntridge Theater in Las Vegas, Nevada.]~~ 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:

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

Section 11 of this bill establishes the Restore Nevada’s Treasures Revolving Account and requires that the money in the Revolving Account be used to acquire historic

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buildings and pay expenses related to a public-private partnership for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a historic building.

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

~~Section 1. [1. There is hereby appropriated from the State General Fund to the Division of State Lands of the State Department of Conservation and Natural Resources the sum of \$3,000,000 to purchase the Huntridge Theater, located at 4208 East Charleston Boulevard, Las Vegas, Nevada.~~

~~2. The Administrator of the Division may enter into a contract with one or more public-private partners to assist with the purchase, repair and restoration of the Huntridge Theater.] (Deleted by amendment.)~~

~~Sec. 2. [Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.] (Deleted by amendment.)~~

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

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

~~Sec. 5. "Historic building" means a site, building, structure, object or district which is eligible for or included in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places or is otherwise of historical significance.~~

~~Sec. 6. "Private partner" means a person with whom the State Land Registrar enters into a public-private partnership.~~

~~Sec. 7. "Public-private partnership" means a contract entered into by the State Land Registrar and a private partner pursuant to section 8 of this act.~~

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

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

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

~~(a) The rate of interest on payments;~~

~~(b) A schedule for payments; and~~

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

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

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

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

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

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

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

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

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

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

37 2. The Deputy Administrator of the Public Works - Compliance and Code  
38 Enforcement Section of the State Public Works Division of the Department of  
39 Administration shall serve as the building official on the work performed in  
40 connection with the preservation, rehabilitation, restoration, reconstruction or  
41 adaptive use of a historic building pursuant to a public-private partnership.

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

44 2. The State Land Registrar shall deposit into the Revolving Account money  
45 received:

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

47 (b) From payments made by a private partner pursuant to a public-private  
48 partnership.

49 3. The State Land Registrar may use the money in the Revolving Account  
50 only for the expenses related to:

51 (a) The acquisition of a historic building pursuant to section 8 of this act;  
52 and

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

1 4. The State Land Registrar shall:

2 (a) Approve any disbursements from the Revolving Account; and

3 (b) Maintain records of any such disbursement.

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

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

7 321.007 1. Except as otherwise provided in subsection 5, NRS 321.008,  
8 322.061, 322.063, 322.065 or 322.075, or sections 4 to 11, inclusive, of this act,  
9 except as otherwise required by federal law, except for land that is sold or leased to  
10 a public utility, as defined in NRS 704.020, to be used for a public purpose, except  
11 for land that is sold or leased to a state or local governmental entity, except for a  
12 lease which is part of a contract entered into pursuant to chapter 333 of NRS and  
13 except for land that is sold or leased pursuant to an agreement entered into pursuant  
14 to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the  
15 State Land Registrar shall:

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

22 (b) Notwithstanding the provisions of chapter 333 of NRS, select the one  
23 independent appraiser or two independent appraisers, as applicable, from the list of  
24 appraisers established pursuant to subsection 2.

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

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

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

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

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

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

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

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

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

48 (b) Any change to an ordinance or law governing the zoning or use of the land  
49 is void if the change takes place within 5 years after the date of the void sale or  
50 lease.

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

52 321.335 1. Except as otherwise provided in NRS 321.008, 321.125,  
53 322.061, 322.063, 322.065 or 322.075, or sections 4 to 11, inclusive, of this act,

1 except as otherwise required by federal law, except for land that is sold or leased to  
2 a public utility, as defined in NRS 704.020, to be used for a public purpose, except  
3 for land that is sold or leased to a state or local governmental entity, except for a  
4 lease which is part of a contract entered into pursuant to chapter 333 of NRS and  
5 except for an agreement entered into pursuant to the provisions of NRS 277.080 to  
6 277.170, inclusive, or a lease of residential property with a term of 1 year or less,  
7 after April 1, 1957, all sales or leases of any lands that the Division is required to  
8 hold pursuant to NRS 321.001, including lands subject to contracts of sale that have  
9 been forfeited, are governed by the provisions of this section.

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

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

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

28 5. The notice must contain:

- 29 (a) A description of the land to be sold or leased;  
30 (b) A statement of the terms of sale or lease;  
31 (c) A statement that the land will be sold pursuant to subsection 6; and  
32 (d) The place where the sealed bids will be accepted, the first and last days on  
33 which the sealed bids will be accepted, and the time when and place where the  
34 sealed bids will be opened and oral offers submitted pursuant to subsection 6 will  
35 be accepted.

36 6. At the time and place fixed in the notice published pursuant to subsection  
37 4, all sealed bids which have been received must, in public session, be opened,  
38 examined and declared by the State Land Registrar. Of the proposals submitted  
39 which conform to all terms and conditions specified in the notice published  
40 pursuant to subsection 4 and which are made by responsible bidders, the bid which  
41 is the highest must be finally accepted, unless a higher oral offer is accepted or the  
42 State Land Registrar rejects all bids and offers. Before finally accepting any written  
43 bid, the State Land Registrar shall call for oral offers. If, upon the call for oral  
44 offers, any responsible person offers to buy or lease the land upon the terms and  
45 conditions specified in the notice, for a price exceeding by at least 5 percent the  
46 highest written bid, then the highest oral offer which is made by a responsible  
47 person must be finally accepted.

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

- 51 (a) Contrary to the public interest.  
52 (b) For a lesser amount than is reasonable for the land involved.  
53 (c) On lands which it may be more beneficial for the State to reserve.

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

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

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

12 10. The State Land Registrar may require any person requesting that state  
13 land be sold pursuant to the provisions of this section to deposit a sufficient amount  
14 of money to pay the costs to be incurred by the State Land Registrar in acting upon  
15 the application, including the costs of publication and the expenses of appraisal.  
16 This deposit must be refunded whenever the person making the deposit is not the  
17 successful bidder. The costs of acting upon the application, including the costs of  
18 publication and the expenses of appraisal, must be borne by the successful bidder.

19 11. If land that is offered for sale or lease pursuant to this section is not sold  
20 or leased at the initial offering of the contract for the sale or lease of the land, the  
21 State Land Registrar may offer the land for sale or lease a second time pursuant to  
22 this section. If there is a material change relating to the title, zoning or an ordinance  
23 governing the use of the land, the State Land Registrar must, as applicable, obtain a  
24 new appraisal or new appraisals of the land pursuant to the provisions of NRS  
25 321.007 before offering the land for sale or lease a second time. If land that is  
26 offered for sale or lease pursuant to this section is not sold or leased at the second  
27 offering of the contract for the sale or lease of the land, the State Land Registrar  
28 may list the land for sale or lease at the appraised value with a licensed real estate  
29 broker, provided that the broker or a person related to the broker within the first  
30 degree of consanguinity or affinity does not have an interest in the land or an  
31 adjoining property.

32 ~~Sec. 3.~~ **Sec. 14.** This act becomes effective on July 1, 2017.