

CHAPTER 495 - CITY AND COUNTY AIRPORTS; ACQUISITION OF PROPERTY; COMMERCIAL HELICOPTERS

ACQUISITION AND OPERATION OF AIRPORTS BY COUNTIES AND CITIES

NRS 495.010 Acquisition of sites and airports.
NRS 495.020 Indebtedness authorized; bonds.
NRS 495.030 Powers concerning erection, maintenance and operation of airports.

EMERGENCY LANDING FIELDS

NRS 495.035 Establishment and maintenance by county.

LEASE OF COUNTY PROPERTY

NRS 495.040 Lease authorized; purposes; notice and hearing.
NRS 495.050 Commissioner may vote on agreement or lease extending beyond his term of office.
NRS 495.060 Conflicting laws inapplicable.

ACQUISITION OF PROPERTY BY COMPANY FOR AIR TRANSPORTATION

NRS 495.070 Acquisition authorized; procedure.
NRS 495.080 "Person" defined.
NRS 495.090 Verified petition; contents.
NRS 495.100 Rights of defendants.
NRS 495.110 Hearing of petition.
NRS 495.120 Notice of hearing: Service; publication.
NRS 495.130 Appointment of commissioners; vacancies.
NRS 495.140 Meeting of commissioners.
NRS 495.150 Hearing; assessment of compensation; reports; adverse claims.
NRS 495.160 Motion to set aside report; new trial.
NRS 495.170 Confirmation of reports.
NRS 495.180 Record of reports; amendment of pleadings; costs.
NRS 495.190 Proceedings when title defective; payment into court.
NRS 495.200 Passage of title to corporation; public use.
NRS 495.210 Payment or tender of compensation.

COMMERCIAL HELICOPTERS: PERSONAL PROPERTY TAX EXEMPTION

NRS 495.300 "Commercial helicopter" defined. [Effective through June 30, 2007.]
NRS 495.310 Certain boards of county commissioners to designate preferred airport or other facility for takeoff and landing of commercial helicopters, and to recommend measures to reduce commercial helicopter noise; requirements for preferred airport or other facility. [Effective through June 30, 2007.]
NRS 495.320 Program to provide exemptions from personal property tax to owners of commercial helicopters who use preferred airport or other facility or comply substantially with measures recommended to reduce helicopter noise. [Effective through June 30, 2007.]

ACQUISITION AND OPERATION OF AIRPORTS BY COUNTIES AND CITIES

NRS 495.010 Acquisition of sites and airports.

1. Any city, county, town or any municipal corporation in the State of Nevada is authorized and empowered:

(a) To acquire, by purchase, condemnation, donation, lease or otherwise, real or personal property, or to use any real property owned by it, or which it may hereafter acquire, within or without its corporate limits for a site upon which an airport or airports may be maintained and upon which any such city, county, town or municipal corporation may erect and maintain or permit the erection and maintenance of hangars, mooring masts, flying fields, and all places for flying, takeoff and landing of aircraft and the storage of the same when not in active use, together with lights, radio equipment, service shops, conveniences, appliances, works, structures and other air navigation facilities, now known or hereafter invented, of such number and character and in such places as may be necessary or convenient.

(b) To levy taxes for the purpose of raising funds to acquire lands for the purposes mentioned in this section and NRS 495.020 and 495.030, and to pay the principal and interest of any bonds issued pursuant to the provisions of this section and

Attachment A-1 (Page 2 of 6)

NRS 495.020 and 495.030.

2. Any lands previously acquired by any such city, county, town or any municipal corporation in the State of Nevada for park purposes may be used for any of the purposes specified in this section, it being hereby specifically declared that the purpose specified in this section shall constitute park purposes. This subsection shall not be construed to limit or confine the uses specified in this section to lands acquired for park purposes.

3. The uses and purposes specified in this section are hereby declared to be a public use and subject to the exercise of the right of eminent domain, whether such right shall have been exercised prior to or shall be exercised subsequently to January 31, 1928.

[1:11:1928; NCL § 289]

NRS 495.020 Indebtedness authorized; bonds. Any city, county, town or any municipal corporation in the State of Nevada is authorized and empowered:

1. To incur indebtedness for any of the purposes mentioned in this section and NRS 495.010 and 495.030.

2. To issue bonds for the acquisition, construction and completion of any of the purposes mentioned in NRS 495.010 in the same form and manner as debt is incurred and bonds issued for other municipal purposes, and subject to the conditions, restrictions, proceedings and rights of initiative and referendum now governing the issuance of bonds for other municipal purposes.

[2:11:1928; NCL § 290]

NRS 495.030 Powers concerning erection, maintenance and operation of airports. In connection with the erection or maintenance of any airport or airports or air navigation facilities, any city, county, town or any municipal corporation shall have the power and jurisdiction:

1. To regulate the receipt, deposit and removal, the embarkation or debarkation of passengers or property for and from such landing places or moorage as may be provided.

2. To exact and require charges, fees and tolls, together with a lien to enforce their payment.

3. To lease or assign for operation such space or area, appurtenances, appliances or other conveniences necessary or useful in connection therewith.

4. To own and operate municipal aircraft.

5. To employ pilots.

6. To provide rules and regulations covering the use of such airport and facilities and the use of other property or means of transportation within or over the airport.

7. To perform any duties necessary or convenient for the regulation of air traffic.

8. To enter into contracts or otherwise cooperate with the Federal Government or other public or private agencies.

9. To exercise such powers as may be required or convenient in the promotion of aeronautics and the furtherance of commerce and navigation by air.

[3:11:1928; NCL § 291]

EMERGENCY LANDING FIELDS

NRS 495.035 Establishment and maintenance by county.

1. The several counties of the State of Nevada are authorized:

(a) To designate, establish and maintain emergency landing fields for flying, takeoff and landing of aircraft together with necessary conveniences, appliances, works, structures, now known or hereafter invented, of such number and character and in such places as may be necessary or convenient, in the interest of promoting the public safety. Such designation shall be made by resolution spread upon the records of the proceedings of the board of county commissioners.

(b) To pay for such establishment and maintenance out of any appropriations or other moneys made available for such purposes whether by allocations from the State Airport Fund or by gift or devise.

2. The board of county commissioners of any county may authorize the use of county equipment for the purposes authorized in this section.

3. The establishment and maintenance of emergency landing fields are hereby declared to be county functions and purposes, as well as public and governmental, and are matters of public necessity.

(Added to NRS by 1965, 1077; A 1967, 38)

LEASE OF COUNTY PROPERTY

NRS 495.040 Lease authorized; purposes; notice and hearing.

1. The boards of county commissioners of the respective counties of this state may lease real and personal property of their county for use and occupancy as airports, airport facilities or airport service, to whom and upon such conditions and terms as they deem proper, for a term or terms not exceeding 99 years.

2. Before entering into any agreement for the lease of property as set forth in subsection 1, the board of county commissioners shall publish notice of its intention in a newspaper of general circulation published within the county at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the county, the board shall post a notice of its intention in a public place at least once a week for 30 days. The notice must specify that a regular meeting is to be held, at which meeting any interested person may appear. No such lease or agreement may be entered into by the board until after the notice has been given and a meeting held as provided in this subsection.

[1:151:1945; 1943 NCL § 296]—(NRS A 1957, 294; 1995, 845; 2001, 821)

NRS 495.050 Commissioner may vote on agreement or lease extending beyond his term of office. Any member of any board of county commissioners in the State may vote on any agreement or indenture for the lease of real or personal property of his or her respective county as referred to in NRS 495.040, notwithstanding the fact that the term of the

agreement may extend beyond his or her term of office.

[2:151:1945; 1943 NCL § 296.01]

NRS 495.060 Conflicting laws inapplicable. All acts and parts of acts in conflict with NRS 495.040 and 495.050 are repealed insofar as the same apply to or interfere with the provisions of NRS 495.040 and 495.050, and not in any other particular.

[3:151:1945; 1943 NCL § 296.02]—(NRS A 1975, 576)

ACQUISITION OF PROPERTY BY COMPANY FOR AIR TRANSPORTATION

NRS 495.070 Acquisition authorized; procedure. Any corporation organized for the purpose of engaging in the public transportation of passengers or property or United States mail by air, whether intrastate or interstate, and any corporation organized for the purpose of operating a private or municipal airport or air navigation facility for use in connection with the public transportation of passengers or property or United States mail by air, whether intrastate or interstate, may acquire any real property, or any right, title, interest, estate or claim therein or thereto, necessary for the purpose of establishing landing places and terminals for aircraft, air navigation facilities and aerial rights-of-way, by means of the special proceedings prescribed in NRS 495.080 to 495.210, inclusive.

[Part 1:154:1937; 1931 NCL § 294.01]

NRS 495.080 “Person” defined. In all the proceedings in relation to the sale or appropriation of real property, and ascertaining and receiving the compensation therefor for the purposes prescribed in NRS 495.070, “person” includes a municipal corporation.

[38:146:1865; B § 3463; BH § 872; C § 1009; RL § 3549; NCL § 6273]—(NRS A 1985, 521)

NRS 495.090 Verified petition; contents. The corporation shall file in the clerk’s office of the district court, in the county in which the real property is situated, a petition verified according to law, stating therein:

1. The name of the corporation.
2. The date when it was incorporated.
3. That it still continues in legal existence.
4. The description by metes and bounds or by some accurate designation of the tract or tracts of land which the corporation desires to appropriate for the purposes mentioned in NRS 495.070.
5. That the tract or tracts of land are necessary for the purposes.
6. The names of the persons in possession of the tract or tracts of land, and of those claiming any right, title or interest therein, as far as the same can be ascertained by reasonable diligence.

[24:146:1865; A 1869, 90; B § 3449; BH § 858; C § 995; RL § 3535; NCL § 6259]

NRS 495.100 Rights of defendants. The persons in occupation of the tract or tracts of land, and those having any right, title or interest therein, whether named in the petition or not, shall be defendants thereto, and may appear and show cause against the same, and may appear and be heard before the commissioners provided for in this chapter, and in proceedings subsequent thereto, in the same manner as if they had appeared and answered the petition.

[25:146:1865; B § 3450; BH § 859; C § 996; RL § 3536; NCL § 6260]

NRS 495.110 Hearing of petition. The court shall, by order, appoint the time for the hearing of the petition, and the hearing may be had, and all orders in the proceedings may be made, by the court.

[26:146:1865; B § 3451; BH § 860; C § 997; RL § 3537; NCL § 6261]

NRS 495.120 Notice of hearing: Service; publication. The corporation shall cause all the occupants and owners of the tract or tracts of land, so far as the same can be ascertained by reasonable diligence, who reside in the county, to be notified personally of the pendency of the petition at least 10 days before the hearing thereof, and if any of the occupants or owners are unknown, or do not reside in the county, and have not been personally notified of the pendency of the petition, the corporation shall cause a notice stating the filing of the petition, the object thereof, the tracts of land sought to be appropriated, and the time and the place of the hearing of the petition, to be published for 4 successive weeks previous to the time of hearing the petition, in a newspaper published in the county, or if none is published in the county, then in a newspaper published nearest to the county.

[27:146:1865; B § 3452; BH § 861; C § 998; RL § 3538; NCL § 6262]

NRS 495.130 Appointment of commissioners; vacancies.

1. The defendants to the petition may appear and show cause against the petition, on or before the time for the hearing thereof, or at such other time to which the hearing may be continued.

2. Upon satisfactory proof being made that the defendants have been duly notified of the pendency of the petition, as prescribed in NRS 495.120, and upon the hearing of the allegations and proofs of the parties, if the court shall be satisfied that the lands, or any part thereof, are necessary or proper for any of the purposes mentioned in the petition, the court shall appoint three competent and disinterested persons as commissioners.

3. One of the commissioners shall be selected from among the persons, if any, named for that purpose by the corporation, and one shall be selected from among the persons, if any, named on the part of any of the defendants, to ascertain and assess the compensation to be paid to any person or persons having or holding any right, title or interest in or to each of the tracts of land, for and in consideration of the appropriation of such land to the use of the corporation.

4. If any vacancy occurs among the commissioners, by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more commissioners may be appointed by the court to fill the vacancy, upon notice being given of the vacancy, as the court may direct.

Attachment A-1 (Page 4 of 6)

[28:146:1865; B § 3453; BH § 862; C § 999; RL § 3539; NCL § 6263]

NRS 495.140 Meeting of commissioners.

1. The court shall appoint the time and place for the first meeting of the commissioners, and the time for filing of their report, and may give such further time as may be necessary for that purpose, if they shall not then have completed their duties.

2. The commissioners, or a majority of them, shall meet at the time and place as ordered, and, before entering on their duties, shall be duly sworn to perform the duties imposed upon them honestly, faithfully and impartially. Any one of them may issue subpoenas for witnesses for either of the parties, and may administer oaths. The commissioners may adjourn from place to place and from time to time, as may be necessary for the proper discharge of their duties.

[29:146:1865; B § 3454; BH § 863; C § 1000; RL § 3540; NCL § 6264]

NRS 495.150 Hearing; assessment of compensation; reports; adverse claims.

1. The commissioners shall:

(a) Proceed to view the several tracts of land as ordered by the court.

(b) Hear the allegations and proofs of the parties.

(c) Ascertain and assess the compensations for the land sought to be appropriated, to be paid by the corporation to the person or persons having or holding any right, title or interest in or to each of the several tracts of land.

2. In ascertaining and assessing compensation, the commissioners shall take into consideration and make allowance for any benefit or advantages that in their opinion will accrue to such person or persons by reason of the construction of the landing places, terminals, air navigation facilities and aerial rights-of-way by the corporation.

3. If the corporation shall, in its petition filed in the special proceedings, offer or agree to make good and sufficient fences on the landing places, terminals, air navigation facilities, and aerial rights-of-way, or any portion thereof, at such places and times as the same may be necessary, no sum of money or price for such fences shall be included in the compensation or damages to be awarded by the commissioners; but the corporation shall not be required to construct fences on the landing places, terminals, air navigation facilities and aerial rights-of-way where the same passes through unenclosed tracts of land, nor until enclosure shall be made abutting upon the property of the corporation.

4. The commissioners shall, on or before the time or times as ordered by the court, file in the clerk's office their report, signed by them, setting forth their proceedings in the premises, and they may include all of the tracts in one report, or they may make several reports, including one or more of the tracts of land, if the court shall so order, or if they shall deem it proper.

5. In case there are adverse or conflicting claims to the compensation assessed for any tract of land, or any right, title or interest therein, thus sought to be appropriated, the parties thus asserting such claims shall present the same, by petition, to the court after the report of the commissioners shall have been filed, and the court shall proceed to hear and determine the same. In such case, the corporation may pay the amount of such compensation to the clerk of the court, to abide the order of the court in the proceeding, and the corporation shall not be liable for any of the costs caused by the adjudication of such conflicting claims.

[30:146:1865; B § 3455; BH § 864; C § 1001; RL § 3541; NCL § 6265]

NRS 495.160 Motion to set aside report; new trial. The corporation, or any of the defendants, if dissatisfied with the report, may within 20 days after the time for the filing of the report, and after 10 days' notice to the parties interested, move to set aside the report, and to have a new trial as to any tract of land, upon good cause shown therefor. The court shall set aside the report as to such tract of land, and may recommit the matter to the same or to other commissioners, who shall be ordered to proceed in like manner as those first appointed; but such matters shall not be more than twice recommitted to commissioners.

[31:146:1865; B § 3456; BH § 865; C § 1002; RL § 3542; NCL § 6266]

NRS 495.170 Confirmation of reports. Upon the expiration of 20 days after the filing of the report or reports, or at such further time as may be appointed therefor, if the motion and notice shall not have been made and given as provided in NRS 495.160, and if the proceedings of the commissioners appear to have been done correctly and properly, the court shall confirm each of the reports and certify the same thereon.

[32:146:1865; B § 3457; BH § 866; C § 1003; RL § 3543; NCL § 6267]

NRS 495.180 Record of reports; amendment of pleadings; costs.

1. Each of the reports and the certificates thereon, upon the compensation therein named being paid, shall be recorded in the recorder's office of the county by the corporation.

2. The court may make all orders as may be necessary or proper in the special proceedings provided for in this chapter, and shall cause the pleadings and proceedings to be amended whenever justice shall require it to be done, and shall direct the manner of the service of all orders and notices not specially provided for.

3. Costs of the special proceedings shall be taxed by the clerk at the rates prescribed in chapter 19 of NRS for the county in civil actions, and shall be paid by the corporation, except in the case where a defendant shall move for a new trial, and the compensation assessed by the commissioners shall not be increased more than 10 percent upon the previous assessment, in which case such defendant shall pay the costs.

[33:146:1865; B § 3458; BH § 867; C § 1004; RL § 3544; NCL § 6268]

NRS 495.190 Proceedings when title defective; payment into court. If the title attempted to be acquired by virtue of the provisions of NRS 495.080 to 495.210, inclusive, shall be found to be defective from any cause, the corporation may again institute proceedings to acquire the same, as prescribed in NRS 495.080 to 495.210, inclusive. At any stage of such new proceedings, or of any proceedings under NRS 495.080 to 495.210, inclusive, the court may, by order made in its behalf, authorize the corporation, if already in possession, to continue in the use and possession, and if not in possession, to take

Attachment A-1 (Page 5 of 6)

possession of, and use such premises during the pendency of, and until the final conclusion of such proceedings, and may stay all actions and proceedings against the corporation on account thereof. The corporation shall pay a sufficient sum in court, or give security, to be approved by the court, to pay the compensation in that behalf when ascertained.

[34:146:1865; B § 3459; BH § 868; C § 1005; RL § 3545; NCL § 6269]

NRS 495.200 Passage of title to corporation; public use. Upon the report of the commissioners being filed for record as provided for in NRS 495.180, and upon the payment or tender of the compensation and costs, as prescribed in NRS 495.080 to 495.210, inclusive, the real property, or the right, title or interest therein, described in the report, shall become the property of the corporation for the purpose of its incorporation, and shall be deemed to be acquired for, and appropriated to, public use.

[35:146:1865; B § 3460; BH § 869; C § 1006; RL § 3546; NCL § 6270]

NRS 495.210 Payment or tender of compensation.

1. Within 30 days after the final confirmation of the report, the corporation shall, as ordered by the court, pay or tender the sum of money ascertained and assessed by the commissioners as compensation for each tract of land described in the report.

2. The payment or tender may be made:

(a) To the person or persons owning the tract of land, or having or holding any right, title or interest therein, according to the amount or extent of the right, title or interest owned or held therein by such person or persons; or

(b) To the clerk for such persons, and the same shall be deemed and taken as a payment to such person or persons, and shall be as effectual for all purposes whatsoever as if the sum of money had been personally paid to each and all of the persons entitled thereto.

3. The court shall, at the time of the payment of the sum of money to the clerk, or at such other time or times as may be ordered, direct and order the same to be paid over to the person or persons who shall, upon satisfactory proof, appear to be entitled thereto.

[36:146:1865; B § 3461; BH § 870; C § 1007; RL § 3547; NCL § 6271] + [37:146:1865; B § 3462; BH § 871; C § 1008; RL § 3548; NCL § 6272]

COMMERCIAL HELICOPTERS: PERSONAL PROPERTY TAX EXEMPTION

NRS 495.300 “Commercial helicopter” defined. [Effective through June 30, 2007.] As used in this section and NRS 495.310 and 495.320, unless the context otherwise requires, “commercial helicopter” means a rotary-wing aircraft that is operated by a person in the course of conducting a business for which a business license is required pursuant to NRS 360.780. The term does not include a rotary-wing aircraft that is operated:

1. As an air ambulance, as that term is defined in NRS 450B.030;

2. By or in cooperation with a law enforcement agency, fire-fighting agency or other governmental agency for purposes related to the protection of public health and safety;

3. By a radio station or television station; or

4. By or in cooperation with the military or naval forces of this State or of the United States.

(Added to NRS by 2003, 2742)

NRS 495.310 Certain boards of county commissioners to designate preferred airport or other facility for takeoff and landing of commercial helicopters, and to recommend measures to reduce commercial helicopter noise; requirements for preferred airport or other facility. [Effective through June 30, 2007.]

1. The board of county commissioners of each county whose population is 400,000 or more shall:

(a) In consultation with affected local governmental entities, designate a preferred airport or other preferred facility for the takeoff and landing of commercial helicopters.

(b) In consultation with the advisory committee on aircraft noise described in NRS 244.414 or such other committee or advisory body as may be established by the county, recommend technological modifications and other measures that may be taken by the owners of commercial helicopters to reduce the noise that is emitted and generated by such helicopters.

(c) Submit to the Federal Aviation Administration suggestions that the Administration may consider for new and alternative flight paths for commercial helicopters to eliminate or minimize the flight of such helicopters over residential areas.

2. The preferred airport or other preferred facility designated pursuant to paragraph (a) of subsection 1:

(a) Must not be the largest airport that is located within the county;

(b) Must not be located within a residential area; and

(c) Must be selected, insofar as is practicable, on the basis that its location will reduce:

(1) The overall impact on the county and on the residents of the county of noise that is emitted and generated by commercial helicopters; and

(2) The risk of danger to the residents of the county related to helicopter traffic.

3. As used in this section, “residential area” means land that is:

(a) Being used primarily for one- or two-family dwellings or apartments; and

(b) Located adjacent to or near other residentially used land.

(Added to NRS by 2003, 2743)

NRS 495.320 Program to provide exemptions from personal property tax to owners of commercial helicopters who use preferred airport or other facility or comply substantially with measures recommended to reduce helicopter noise. [Effective through June 30, 2007.]

1. The board of county commissioners of each county whose population is 400,000 or more shall develop a program pursuant to which, if a commercial helicopter:

Attachment A-1 (Page 6 of 6)

(a) Uses the preferred airport or other preferred facility designated pursuant to paragraph (a) of subsection 1 of NRS 495.310; or

(b) Complies substantially with the technological modifications and other measures that are recommended pursuant to paragraph (b) of subsection 1 of NRS 495.310,

↳ the owner of the commercial helicopter is thereby eligible to receive an exemption from the personal property tax which would otherwise be attributable to and due for that helicopter pursuant to chapter 361 of NRS.

2. The program developed pursuant to subsection 1:

(a) Must be developed in cooperation with the county assessor of the county;

(b) Must not allow the tax exemption described in that subsection until the fiscal year beginning on July 1, 2004;

(c) Must, with respect to the portion of the program which relates to the use by commercial helicopters of the preferred airport or other preferred facility, set forth minimum thresholds, measured in number of days or by a percentage of takeoffs and landings, for the usage of the preferred airport or other preferred facility by a commercial helicopter before the owner of that helicopter is eligible to receive the tax exemption described in subsection 1;

(d) Must, if an owner of a commercial helicopter desires to receive the tax exemption for using the preferred airport or other preferred facility, as described in paragraph (a) of that subsection, require the owner to, on an annual basis:

(1) Reapply for the exemption; and

(2) Provide proof that the commercial helicopter is using the preferred airport or other preferred facility in accordance with the thresholds established pursuant to paragraph (c); and

(e) Must, if an owner of a commercial helicopter desires to receive the tax exemption for complying substantially with the technological modifications and other measures, as described in paragraph (b) of that subsection, require the owner to, on an annual basis:

(1) Reapply for the exemption; and

(2) Provide proof of substantial compliance with the technological modifications and other measures that are recommended pursuant to paragraph (b) of subsection 1 of NRS 495.310.

(Added to NRS by 2003, 2743)

PUBLIC LAW 109-115—NOV. 30, 2005

119 STAT. 2429

to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

SEC. 180. (a) In this section:

(1) The term “Conservation Area” means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term “County” means Clark County, Nevada.

(3)(A) The term “helicopter tour” means a commercial helicopter tour operated for profit.

(B) The term “helicopter tour” does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “Wilderness” means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled “Clark County Public Heliport Facility” and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a \$3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) $\frac{2}{3}$ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

Deadlines.
Fees.

Public comment.

119 STAT. 2430

PUBLIC LAW 109-115—NOV. 30, 2005

Regulations.

(ii) $\frac{1}{3}$ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

SEC. 181. The first sentence of section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96-192; 94 Stat. 48) is amended by inserting “Missouri,” before “and Texas”.

SEC. 182. Notwithstanding any other provision of law, none of the funds provided in or limited by this Act may be obligated or expended to provide a budget justification for fiscal year 2007 concurrently with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, to any congressional committee other than the House and Senate Committees on Appropriations prior to May 31, 2006.

SEC. 183. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 184. Notwithstanding any other provision of law, the projects numbered 5094 and 5096 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) shall be subject to section 120(c) of title 23, United States Code.