

SENATE BILL NO. 60—COMMITTEE ON GOVERNMENT AFFAIRS

PREFILED JANUARY 30, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning limitation on building permit fees charged by local governments. (BDR 31-232)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to local governments; restricting the amount a local government may place in an enterprise fund for building permit fees; authorizing a local government to maintain an amount of working capital in such an enterprise fund for certain purposes; requiring a local government to reduce the building permit fees it charges if an excess amount is maintained in such an enterprise fund for a certain period; and providing other matters properly relating thereto.

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

Section 1. NRS 354.59891 is hereby amended to read as follows:
354.59891 1. As used in this section:

(a) ***“Building permit” means the official document or certificate issued by the building officer of a local government which authorizes the construction of a structure.***

(b) “Building permit basis” means the combination of the rate and the valuation method used to calculate the total building permit fee.

~~[(b) “Building permit” means the official document or certificate issued by the building officer of a local government which authorizes the construction of a structure.]~~

(c) “Building permit fee” means the total fees that must be paid before the issuance of a building permit, including, without limitation, all permit fees and inspection fees. The term does not include, without limitation, fees relating to water, sewer or other utilities, residential construction tax, tax for the improvement of transportation imposed pursuant to NRS 278.710, any fee imposed pursuant to NRS 244.386 or any amount expended to change the zoning of the property.

1 (d) "Current asset" means any cash maintained in an enterprise fund
2 and any interest or other income earned on the money in the enterprise
3 fund that is anticipated by a local government to be consumed or
4 converted into cash during the current fiscal year.

5 (e) "Current liability" means any debt incurred by a local government
6 to provide the services associated with issuing building permits that will
7 require payment within the current fiscal year.

8 (f) "Operating cost" means the amount paid by a local government for
9 supplies, services, salaries, wages and employee benefits to provide the
10 services associated with issuing building permits.

11 (g) "Working capital" means the excess of current assets over current
12 liabilities.

13 2. Except as otherwise provided in subsections 3 and 4, a local
14 government shall not increase its building permit basis by more than an
15 amount equal to the building permit basis on June 30, 1989, multiplied by a
16 percentage equal to the percentage increase in the consumer price index
17 from January 1, 1988, to the January 1 next preceding the fiscal year for
18 which the calculation is made.

19 3. A local government may submit an application to increase its
20 building permit basis by an amount greater than otherwise allowable
21 pursuant to subsection 2 to the Nevada tax commission. The Nevada tax
22 commission may allow the increase only if it finds that:

23 (a) Emergency conditions exist which impair the ability of the local
24 government to perform the basic functions for which it was created; or

25 (b) The building permit basis of the local government is substantially
26 below that of other local governments in the state and the cost of providing
27 the services associated with the issuance of building permits in the
28 previous fiscal year exceeded the total revenue received from building
29 permit fees, excluding any amount of residential construction tax collected,
30 for that fiscal year.

31 4. Upon application by a local government, the Nevada tax
32 commission shall exempt the local government from the limitation on the
33 increase of its building permit basis if:

34 (a) The local government creates an enterprise fund exclusively for
35 building permit fees ; ~~for building permits;~~

36 (b) Any interest or other income earned on the money in the enterprise
37 fund is credited to the fund; ~~and~~

38 (c) *Except as otherwise provided in subsection 5, the local government*
39 *maintains a balance of unreserved working capital in the enterprise fund*
40 *that does not exceed an amount equal to 6 months' operating costs for*
41 *the program for the issuance of building permits of the local*
42 *government; and*

43 (d) The local government does not use any of the money in the
44 enterprise fund for any purpose other than the actual direct and indirect
45 costs of the program for the issuance of building permits, including ,
46 without limitation, the cost of checking plans, issuing permits, inspecting
47 buildings and administering the program. The executive director of the
48 department of taxation shall adopt regulations governing the permissible
49 expenditures from an enterprise fund pursuant to this paragraph.

5. *In addition to the balance of unreserved working capital authorized pursuant to subsection 4, the local government may maintain in an enterprise fund created pursuant to this section an amount of working capital for the following purposes:*

(a) *An amount sufficient to pay the debt service for 1 year on any debt incurred by the local government to provide the services associated with issuing building permits;*

(b) *An amount that does not exceed the total amount of expenditures for the program for the issuance of building permits of the local government set forth in the capital improvement plan of the local government prepared pursuant to NRS 354.5945 for the current fiscal year; and*

(c) *An amount that does not exceed 4 percent of the annual operating costs of the program for the issuance of building permits of the local government which must be used to pay for unanticipated capital replacement.*

6. *Any amount in an enterprise fund created pursuant to this section that is designated for special use, including, without limitation, prepaid fees and any other amount subject to a contractual agreement, must be identified as a restricted asset and must not be included as a current asset in the calculation of working capital.*

7. *If a balance in excess of the amount authorized pursuant to subsections 4 and 5 is maintained in an enterprise fund created pursuant to this section for at least 2 consecutive fiscal years, the local government shall reduce the building permit fees it charges by an amount that is sufficient to ensure that the balance in the enterprise fund at the close of the fiscal year next following those 2 consecutive fiscal years does not exceed the amount authorized pursuant to subsections 4 and 5.*

Sec. 2. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (c) of subsection 4 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. ~~[(f)]~~ *Except as otherwise provided in NRS 354.59891, to the extent that the reserve in any fund set forth in paragraph (c) of subsection 4 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.*

Sec. 3. This act becomes effective on July 1, 2001.

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