

ASSEMBLY BILL NO. 455—COMMITTEE ON  
GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

MARCH 24, 2003

Referred to Concurrent Committees on Government  
Affairs and Transportation

SUMMARY—Authorizes certain counties to impose additional  
taxes on motor vehicle fuel and to increase certain  
impact fees for new development. (BDR 32-581)

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

~

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

AN ACT relating to taxation; carrying out a certain advisory  
question relating to funding for regional transportation;  
authorizing certain counties to impose additional taxes on  
motor vehicle fuel and to increase certain impact fees for  
new development; and providing other matters properly  
relating thereto.

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

- 1     **Section 1.** Chapter 373 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     ***1. In a county whose population is 100,000 or more but less***  
4     ***than 400,000:***  
5     ***(a) The board may by ordinance impose:***  
6     ***(1) An excise tax on each gallon of motor vehicle fuel,***  
7     ***except aviation fuel, sold in the county in an amount equal to the***  
8     ***sum obtained by multiplying the amount of the tax imposed***  
9     ***pursuant to NRS 365.180 by the lesser of 4.5 percent or the***  
10    ***average percentage of increase in the Consumer Price Index for***  
11    ***West Urban Consumers for the preceding 5 years; and***



\* A B 4 5 5 \*

1       (2) An annual increase in the tax imposed pursuant to  
2       subparagraph (1), on the first day of each fiscal year following the  
3       fiscal year in which that tax becomes effective, in an amount equal  
4       to the sum of the tax imposed pursuant to NRS 365.180 and the  
5       tax imposed pursuant to subparagraph (1) during the preceding  
6       fiscal year, multiplied by the lesser of 4.5 percent or the average  
7       percentage of increase in the Consumer Price Index for West  
8       Urban Consumers for the preceding 5 years.

9       (b) If the board does not, pursuant to subsection 3 of NRS  
10      365.190, decline to accept the tax levied pursuant to that section,  
11      the board may by ordinance impose:

12      (1) An excise tax on each gallon of motor vehicle fuel,  
13      except aviation fuel, sold in the county in an amount equal to the  
14      sum obtained by multiplying the amount of the tax imposed  
15      pursuant to NRS 365.190 by the lesser of 4.5 percent or the  
16      average percentage of increase in the Consumer Price Index for  
17      West Urban Consumers for the preceding 5 years; and

18      (2) An annual increase in the tax imposed pursuant to  
19      subparagraph (1), on the first day of each fiscal year following the  
20      fiscal year in which that tax becomes effective, in an amount equal  
21      to the sum of the tax imposed pursuant to NRS 365.190 and the  
22      tax imposed pursuant to subparagraph (1) during the preceding  
23      fiscal year, multiplied by the lesser of 4.5 percent or the average  
24      percentage of increase in the Consumer Price Index for West  
25      Urban Consumers for the preceding 5 years.

26      (c) The board may by ordinance impose:

27      (1) An excise tax on each gallon of motor vehicle fuel,  
28      except aviation fuel, sold in the county in an amount equal to the  
29      sum obtained by multiplying the amount of the tax imposed  
30      pursuant to NRS 365.192 by the lesser of 4.5 percent or the  
31      average percentage of increase in the Consumer Price Index for  
32      West Urban Consumers for the preceding 5 years; and

33      (2) An annual increase in the tax imposed pursuant to  
34      subparagraph (1), on the first day of each fiscal year following the  
35      fiscal year in which that tax becomes effective, in an amount equal  
36      to the sum of the tax imposed pursuant to NRS 365.192 and the  
37      tax imposed pursuant to subparagraph (1) during the preceding  
38      fiscal year, multiplied by the lesser of 4.5 percent or the average  
39      percentage of increase in the Consumer Price Index for West  
40      Urban Consumers for the preceding 5 years.

41      (d) If the board imposes a tax pursuant to paragraph (b) of  
42      subsection 1 of NRS 373.030, the board may by ordinance impose:

43      (1) An excise tax on each gallon of motor vehicle fuel,  
44      except aviation fuel and leaded racing fuel, sold in the county in  
45      an amount equal to the sum obtained by multiplying the amount



\* A B 4 5 5 \*

1 of the tax imposed pursuant to paragraph (b) of subsection 1 of  
2 NRS 373.030 by the lesser of 4.5 percent or the average  
3 percentage of increase in the Consumer Price Index for West  
4 Urban Consumers for the preceding 5 years; and

5 (2) An annual increase in the tax imposed pursuant to  
6 subparagraph (1), on the first day of each fiscal year following the  
7 fiscal year in which that tax becomes effective, in an amount equal  
8 to the sum of the tax imposed pursuant to paragraph (b) of  
9 subsection 1 of NRS 373.030 and the tax imposed pursuant to  
10 subparagraph (1) during the preceding fiscal year, multiplied by  
11 the lesser of 4.5 percent or the average percentage of increase in  
12 the Consumer Price Index for West Urban Consumers for the  
13 preceding 5 years.

14 2. Any ordinance authorized by this section may be adopted  
15 in combination with any other ordinance authorized by this  
16 section. Each tax imposed pursuant to this section is in addition to  
17 any other motor vehicle fuel taxes imposed pursuant to the  
18 provisions of this chapter and chapter 365 of NRS. Upon adoption  
19 of an ordinance authorized by this section, no further action by  
20 the board is necessary to effectuate the annual increases.

21 3. Any ordinance adopted pursuant to this section must  
22 become effective on the first day of the first calendar quarter  
23 beginning not less than 90 days after the adoption of the  
24 ordinance.

25 4. Any ordinance adopted pursuant to:

26 (a) Paragraph (a) of subsection 1 must:

27 (1) Require the allocation, disbursement and use in the  
28 county of the proceeds of the tax imposed pursuant to that  
29 ordinance in the same proportions and manner as the allocation,  
30 disbursement and use in the county of the proceeds of the tax  
31 imposed pursuant to NRS 365.180; and

32 (2) Expire by limitation on the effective date of any  
33 increase or decrease in the amount of the tax imposed pursuant to  
34 NRS 365.180 which becomes effective after the adoption of that  
35 ordinance.

36 (b) Paragraph (b) of subsection 1 must:

37 (1) Require the allocation, disbursement and use in the  
38 county of the proceeds of the tax imposed pursuant to that  
39 ordinance in the same proportions and manner as the allocation,  
40 disbursement and use in the county of the proceeds of the tax  
41 imposed pursuant to NRS 365.190; and

42 (2) Expire by limitation on the effective date of any  
43 increase or decrease in the amount of the tax imposed pursuant to  
44 NRS 365.190 which becomes effective after the adoption of that  
45 ordinance.



\* A B 4 5 5 \*

1 (c) Paragraph (c) of subsection 1 must:

2 (1) Require the allocation, disbursement and use in the  
3 county of the proceeds of the tax imposed pursuant to that  
4 ordinance in the same proportions and manner as the allocation,  
5 disbursement and use in the county of the proceeds of the tax  
6 imposed pursuant to NRS 365.192; and

7 (2) Expire by limitation on the effective date of any  
8 increase or decrease in the amount of the tax imposed pursuant to  
9 NRS 365.192 which becomes effective after the adoption of that  
10 ordinance.

11 (d) Paragraph (d) of subsection 1 must:

12 (1) Require the allocation, disbursement and use in the  
13 county of the proceeds of the tax imposed pursuant to that  
14 ordinance in the same proportions and manner as the allocation,  
15 disbursement and use in the county of the proceeds of the tax  
16 imposed pursuant to paragraph (b) of subsection 1 of NRS  
17 373.030; and

18 (2) Expire by limitation on the effective date of any  
19 subsequent ordinance increasing or decreasing the amount of the  
20 tax imposed in that county pursuant to paragraph (b) of  
21 subsection 1 of NRS 373.030.

22 **Sec. 2.** NRS 373.070 is hereby amended to read as follows:

23 373.070 Any motor vehicle fuel tax ordinance enacted under  
24 this chapter must include provisions in substance as follows:

25 1. A provision imposing the additional excise tax and stating  
26 the amount of the tax per gallon of fuel.

27 2. Provisions identical to those contained in chapter 365 of  
28 NRS on the date of enactment of the ordinance, insofar as  
29 applicable, except that the name of the county as taxing agency must  
30 be substituted for that of the State and that an additional supplier's  
31 license is not required.

32 3. A provision that all amendments to chapter 365 of NRS  
33 subsequent to the date of enactment of the ordinance, not  
34 inconsistent with this chapter, automatically become a part of the  
35 motor vehicle fuel tax ordinance of the county.

36 4. A provision that the county shall contract ~~{prior to}~~ *before*  
37 the effective date of the county motor vehicle fuel tax ordinance  
38 with the Department to perform all functions incident to the  
39 administration or operation of the motor vehicle fuel tax ordinance  
40 of the county ~~{ }~~, *including, if the ordinance is enacted pursuant*  
41 *to section 1 of this act, the calculation of each annual increase in*  
42 *the tax imposed pursuant to the ordinance.*

43 **Sec. 3.** NRS 373.075 is hereby amended to read as follows:

44 373.075 Any ordinance amending ~~{the}~~ *a* motor fuel tax  
45 ordinance *enacted pursuant to this chapter* shall include a



1 provision in substance that the county shall amend the contract  
2 made under subsection 4 of NRS 373.070 by a contract made  
3 between the county and the State acting by and through the  
4 Department ~~[prior to]~~ *before* the effective date of such amendatory  
5 ordinance, unless the county determines with the written  
6 concurrence of the commission that no such amendment of the  
7 contract is necessary or desirable.

8 **Sec. 4.** NRS 373.090 is hereby amended to read as follows:

9 373.090 1. For the purpose of ~~[the]~~ *each* tax imposed by an  
10 ordinance enacted pursuant to this chapter, motor vehicle fuel is sold  
11 at the place where it is distributed from a terminal.

12 2. As used in this section, "terminal" has the meaning ascribed  
13 to it in NRS 365.088.

14 **Sec. 5.** NRS 373.110 is hereby amended to read as follows:

15 373.110 ~~[1. Except as provided in NRS 373.119, all]~~ *All the*  
16 net proceeds of the county motor vehicle fuel tax :

17 *1. Imposed pursuant to paragraph (b) of subsection 1 of NRS*  
18 *373.030 or paragraph (d) of subsection 1 of section 1 of this act*  
19 *which are* received by the county pursuant to NRS 373.080 ~~[shall]~~  
20 *must, except as otherwise provided in NRS 373.119,* be deposited  
21 by the county treasurer in a fund to be known as the regional street  
22 and highway fund in the county treasury, and disbursed only in  
23 accordance with the provisions of this chapter.

24 ~~[2.]~~ After July 1, 1975, the regional street and highway fund  
25 must be accounted for as a separate fund and not as a part of any  
26 other fund.

27 *2. Imposed pursuant to paragraph (a), (b) or (c) of subsection*  
28 *1 of section 1 of this act which are received by the county pursuant*  
29 *to NRS 373.080 must be allocated, disbursed and used as provided*  
30 *in the ordinance imposing the tax.*

31 **Sec. 6.** NRS 373.119 is hereby amended to read as follows:

32 373.119 1. Except to the extent pledged before July 1, 1985,  
33 the board may use that portion of the revenue collected pursuant to  
34 the provisions of this chapter *from any taxes imposed pursuant to*  
35 *paragraph (b) of subsection 1 of NRS 373.030 or paragraph (d) of*  
36 *subsection 1 of section 1 of this act* that represents collections from  
37 the sale of fuel for use in boats at marinas in the county to make  
38 capital improvements or to conduct programs to encourage safety in  
39 boating. If the county does not control a body of water, where an  
40 improvement or program is appropriate, the board may contract with  
41 an appropriate person or governmental organization for the  
42 improvement or program.

43 2. Each marina shall report monthly to the Department the  
44 number of gallons of motor vehicle fuel sold for use in boats. The



1 report must be made on or before the 25th day of each month for  
2 sales during the preceding month.

3 **Sec. 7.** NRS 373.130 is hereby amended to read as follows:

4 373.130 1. Money for the payment of the cost of a project  
5 within the area embraced by a regional plan for transportation  
6 established pursuant to NRS 373.1161 may be obtained by the  
7 issuance of revenue bonds and other revenue securities as provided  
8 in subsection 2 ~~[ ]~~ or, subject to any pledges, liens and other  
9 contractual limitations made pursuant to the provisions of this  
10 chapter, may be obtained by direct distribution from the regional  
11 street and highway fund, except to the extent any such use is  
12 prevented by the provisions of NRS 373.150, or may be obtained  
13 both by the issuance of such securities and by such direct  
14 distribution, as the board may determine. Money for street and  
15 highway construction outside the area embraced by the plan may be  
16 distributed directly from the regional street and highway fund as  
17 provided in NRS 373.150.

18 2. The board may, after the enactment of an ordinance as  
19 authorized by *paragraph (b) of subsection 1 of* NRS 373.030 ~~[ ]~~ *or*  
20 *paragraph (d) of subsection 1 of section 1 of this act*, issue revenue  
21 bonds and other revenue securities, on the behalf and in the name of  
22 the county:

23 (a) The total ~~[of all]~~ of which, issued and outstanding at any one  
24 time, must not be in an amount requiring a total debt service in  
25 excess of the estimated receipts to be derived from the ~~[tax]~~ *taxes*  
26 imposed pursuant to the provisions of *paragraph (b) of subsection 1*  
27 *of NRS 373.030* ~~[ ]~~ *and paragraph (d) of subsection 1 of section 1*  
28 *of this act*;

29 (b) Which must not be general obligations of the county or a  
30 charge on any real estate therein; and

31 (c) Which may be secured as to principal and interest by a  
32 pledge authorized by this chapter of the receipts from the motor  
33 vehicle fuel taxes designated in this chapter, except such portion of  
34 the receipts as may be required for the direct distributions  
35 authorized by NRS 373.150.

36 3. A county is authorized to issue bonds without the necessity  
37 of their being authorized at any election in such manner and with  
38 such terms as provided in this chapter.

39 4. Subject to the provisions of this chapter, for any project  
40 authorized therein, the board of any county may, on the behalf and  
41 in the name of the county, borrow money, otherwise become  
42 obligated, and evidence obligations by the issuance of bonds and  
43 other county securities, and in connection with the undertaking or  
44 project, the board may otherwise proceed as provided in the Local  
45 Government Securities Law.



1     5. All such securities constitute special obligations payable  
2 from the net receipts of the motor vehicle fuel taxes designated in  
3 this chapter except as otherwise provided in NRS 373.150, and the  
4 pledge of revenues to secure the payment of the securities must be  
5 limited to ~~the~~ *those* net receipts.

6     6. Except for:

7       (a) Any notes or warrants which are funded with the proceeds of  
8 interim debentures or bonds;

9       (b) Any interim debentures which are funded with the proceeds  
10 of bonds;

11       (c) Any temporary bonds which are exchanged for definitive  
12 bonds;

13       (d) Any bonds which are reissued or which are refunded; and

14       (e) The use of any profit from any investment and reinvestment  
15 for the payment of any bonds or other securities issued pursuant to  
16 the provisions of this chapter,

17 all bonds and other securities issued pursuant to the provisions of  
18 this chapter must be payable solely from the proceeds of motor  
19 vehicle fuel taxes collected by or remitted to the county pursuant to  
20 chapter 365 of NRS, as supplemented by this chapter. Receipts of  
21 the taxes levied in NRS 365.180 and 365.190 *and pursuant to*  
22 *paragraphs (a) and (b) of subsection 1 of section 1 of this act* may  
23 be used by the county for the payment of securities issued pursuant  
24 to the provisions of this chapter and may be pledged therefor. If  
25 during any period any securities payable from these tax proceeds are  
26 outstanding, the tax receipts must not be used directly for the  
27 construction, maintenance and repair of any streets, roads or other  
28 highways nor for any purchase of equipment therefor, and the  
29 receipts of the tax levied in NRS 365.190 must not be apportioned  
30 pursuant to subsection 2 of NRS 365.560 unless, at any time the tax  
31 receipts are so apportioned, provision has been made in a timely  
32 manner for the payment of such outstanding securities as to the  
33 principal of, any prior redemption premiums due in connection with  
34 ~~§~~ and the interest on the securities as they become due, as provided  
35 in the securities, the ordinance authorizing their issuance ~~§~~ and any  
36 other instrument appertaining to the securities.

37     7. The ordinance authorizing the issuance of any bond or other  
38 revenue security hereunder must describe the purpose for which it is  
39 issued at least in general terms and may describe the purpose in  
40 detail. This section does not require the purpose so stated to be set  
41 forth in the detail in which the project approved by the commission  
42 pursuant to subsection 2 of NRS 373.140 is stated, or prevent the  
43 modification by the board of details as to the purpose stated in the  
44 ordinance authorizing the issuance of any bond or other security





1 after its issuance, subject to approval by the commission of the  
2 project as so modified.

3 **Sec. 8.** NRS 373.140 is hereby amended to read as follows:

4 373.140 1. After the enactment of an ordinance as authorized  
5 in NRS 373.030, all street and highway construction, surfacing or  
6 resurfacing projects in the county which are proposed to be financed  
7 from ~~the~~ a county motor vehicle fuel tax *imposed pursuant to*  
8 *paragraph (b) of subsection 1 of NRS 373.030 or paragraph (d) of*  
9 *subsection 1 of section 1 of this act* must first be submitted to the  
10 regional transportation commission.

11 2. ~~Where~~ *If* the project is within the area covered by a  
12 regional plan for transportation established pursuant to NRS  
13 373.1161, the commission shall evaluate it in terms of:

14 (a) The priorities established by the plan;

15 (b) The relation of the proposed work to other projects already  
16 constructed or authorized;

17 (c) The relative need for the project in comparison with others  
18 proposed; and

19 (d) The money available.

20 If the commission approves the project, the board may authorize the  
21 project, using all or any part of the proceeds of the county motor  
22 vehicle fuel tax authorized ~~by this chapter,~~ *pursuant to paragraph*  
23 *(b) of subsection 1 of NRS 373.030 or paragraph (d) of subsection*  
24 *1 of section 1 of this act*, except to the extent any such use is  
25 prevented by the provisions for direct distribution required by NRS  
26 373.150 or is prevented by any pledge to secure the payment of  
27 outstanding bonds, other securities or other obligations incurred  
28 hereunder, and other contractual limitations appertaining to such  
29 obligations as authorized by NRS 373.160, and the proceeds of  
30 revenue bonds or other securities issued or to be issued as provided  
31 in NRS 373.130. Except as otherwise provided in subsection 3, if  
32 the board authorizes the project, the responsibilities for letting  
33 construction and other necessary contracts, contract administration,  
34 supervision and inspection of work and the performance of other  
35 duties related to the acquisition of the project must be specified in  
36 written agreements executed by the board and the governing bodies  
37 of the cities and towns within the area covered by a regional plan for  
38 transportation established pursuant to NRS 373.1161.

39 3. In a county in which two or more governmental entities are  
40 represented on the commission, the governing bodies of those  
41 governmental entities may enter into a written master agreement that  
42 allows a written agreement described in subsection 2 to be executed  
43 by only the commission and the governmental entity that receives  
44 funding for the approved project. The provisions of a written master  
45 agreement must not be used until the governing body of each





1 governmental entity represented on the commission ratifies the  
2 written master agreement.

3 4. ~~[Where]~~ *If* the project is outside the area covered by a plan,  
4 the commission shall evaluate it in terms of:

5 (a) Its relation to the regional plan for transportation established  
6 pursuant to NRS 373.1161 if any;

7 (b) The relation of the proposed work to other projects  
8 constructed or authorized;

9 (c) The relative need for the proposed work in relation to others  
10 proposed by the same city or town; and

11 (d) The availability of money.

12 If the commission approves the project, the board shall direct the  
13 county treasurer to distribute the sum approved to the city or town  
14 requesting the project, in accordance with NRS 373.150.

15 5. In counties whose population is less than 100,000, the  
16 commission shall certify the adoption of the plan in compliance with  
17 subsections 2 and 4.

18 **Sec. 9.** NRS 373.160 is hereby amended to read as follows:

19 373.160 1. The ordinance or ordinances providing for the  
20 issuance of any bonds or other securities issued hereunder payable  
21 from the receipts from the motor vehicle fuel excise taxes herein  
22 designated may , at the discretion of the board, in addition to  
23 covenants and other provisions authorized in the Local Government  
24 Securities Law, contain covenants or other provisions as to the  
25 pledge of and the creation of a lien upon the receipts of the ~~[tax]~~  
26 *taxes* collected for the county ~~hereunder~~ *pursuant to paragraph*  
27 *(b) of subsection 1 of NRS 373.030 and paragraph (d) of*  
28 *subsection 1 of section 1 of this act*, excluding any tax proceeds to  
29 be distributed directly under the provisions of NRS 373.150 , ~~or~~  
30 the proceeds of the bonds or other securities pending their  
31 application to defray the cost of the project, or both such tax  
32 proceeds and security proceeds, to secure the payment of revenue  
33 bonds or other securities issued hereunder.

34 2. If the board determines in any ordinance authorizing the  
35 issuance of any bonds or other securities hereunder that the proceeds  
36 of the ~~[tax]~~ *taxes* levied and collected pursuant to ~~[the County Motor~~  
37 ~~Vehicle Fuel Tax Law]~~ *paragraph (b) of subsection 1 of NRS*  
38 *373.030 and paragraph (d) of subsection 1 of section 1 of this act*  
39 are sufficient to pay all bonds and securities, including the proposed  
40 issue, from the proceeds thereof, the board may additionally secure  
41 the payment of any bonds or other securities issued pursuant to *the*  
42 ordinance hereunder by a pledge of and the creation of a lien upon  
43 not only the proceeds of any motor *vehicle* fuel tax authorized at the  
44 time of the issuance of such securities to be used for such payment  
45 in subsection 6 of NRS 373.130, but also the proceeds of any such



1 tax thereafter authorized to be used or pledged , or used and pledged  
2 , for the payment of such securities, whether such tax be levied or  
3 collected by the county, the State of Nevada ~~[ ]~~ or otherwise, or be  
4 levied in at least an equivalent value in lieu of any such tax existing  
5 at the time of the issuance of such securities or be levied in  
6 supplementation thereof.

7 3. The pledges and liens authorized by subsections 1 and 2 ~~[of~~  
8 ~~this section shall]~~ extend to the proceeds of any tax collected for use  
9 by the county on any motor vehicle fuel so long as any bonds or  
10 other securities issued hereunder remain outstanding and ~~[shall not~~  
11 ~~be]~~ *are not* limited to any type or types of motor vehicle fuel in use  
12 when the bonds or other securities ~~[shall be]~~ *are* issued.

13 **Sec. 10.** Chapter 278B of NRS is hereby amended by adding  
14 thereto a new section to read as follows:

15 *1. The governing body of a local government which imposes*  
16 *an impact fee to pay the cost of constructing a street project may*  
17 *include a provision in the ordinance imposing the impact fee or*  
18 *adopt a separate ordinance providing that each year in which the*  
19 *governing body does not adopt any revisions to the land use*  
20 *assumptions or capital improvements plan or otherwise increase*  
21 *the impact fee, the current amount of the impact fee is*  
22 *cumulatively increased:*

23 *(a) By a percentage equal to the average percentage of*  
24 *increase in the Consumer Price Index for West Urban Consumers*  
25 *for the preceding 5 years; or*

26 *(b) By 4.5 percent,*  
27 *whichever is less.*

28 *2. Upon inclusion of a provision in the ordinance imposing*  
29 *the impact fee or the adoption of a separate ordinance authorized*  
30 *by subsection 1, no further action by the governing body is*  
31 *necessary to effectuate the annual increases.*

32 *3. Each increase authorized pursuant to this section becomes*  
33 *effective 1 year after:*

34 *(a) The date upon which the impact fee initially becomes*  
35 *effective;*

36 *(b) The date the governing body adopts a revised capital*  
37 *improvements plan; or*

38 *(c) The effective date of any previous increase in the impact*  
39 *fee pursuant to this section,*  
40 *whichever occurs last.*

41 **Sec. 11.** NRS 278B.230 is hereby amended to read as follows:

42 278B.230 1. The impact fee per service unit , *excluding the*  
43 *amount of any increase authorized pursuant to section 10 of this*  
44 *act,* must not exceed the amount determined by dividing the costs of  
45 the capital improvements described in subsection 3 of NRS



\* A B 4 5 5 \*

1 278B.170 by the total number of projected service units described in  
2 subsection 6 of NRS 278B.170.

3 2. If the number of new service units projected over a period is  
4 less than the total number of new service units shown by the  
5 approved land use assumptions at full development of the service  
6 area, the maximum impact fee which may be charged per service  
7 unit, *excluding the amount of any increase authorized pursuant to*  
8 *section 10 of this act*, must be calculated by dividing the costs of the  
9 part of the capital improvements required by the new service units  
10 described in subsection 7 of NRS 278B.170 by the projected new  
11 service units described in that subsection.

12 3. The impact fee may be collected at the same time as the fee  
13 for issuance of a building permit for the service unit or at the time a  
14 certificate of occupancy is issued for the service unit, as specified in  
15 the ordinance.

16 **Sec. 12.** The approval by the voters on November 5, 2002, of  
17 Advisory Question No. 2, concerning transportation, on the 2002  
18 general election ballot for Washoe County shall be deemed to  
19 constitute approval by the voters of an increase in the rate of the tax  
20 imposed pursuant to paragraph (b) of subsection 1 of NRS  
21 377A.030 to three-eighths of 1 percent of the gross receipts of any  
22 retailer from the sale of all tangible personal property sold at retail,  
23 or stored, used or otherwise consumed in the county. No other  
24 approval by the voters is required for the imposition of that increase  
25 in the rate of that tax in Washoe County, including its incorporated  
26 cities.

27 **Sec. 13.** If any provision of this act, or the application thereof  
28 to any person, thing or circumstance is held invalid, such invalidity  
29 does not affect the provisions or applications of this act which can  
30 be given effect without the invalid provision or application, and to  
31 this end the provisions of this act are hereby declared to be  
32 severable.

33 **Sec. 14.** This act becomes effective upon passage and  
34 approval.

