

SENATE BILL NO. 237—SENATORS RAGGIO AND TITUS

MARCH 5, 2003

JOINT SPONSORS: ASSEMBLYMEN PERKINS AND HETTRICK

Referred to Committee on Taxation

SUMMARY—Carries out certain advisory questions relating to funding for regional transportation. (BDR 32-942)

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 certain advisory questions relating to funding for regional transportation; revising the maximum rate, allocation or use of certain taxes 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.** NRS 365.190 is hereby amended to read as follows:  
2     365.190 1. ~~{Subject to the provisions of subsection 3, in}~~ *In*  
3     addition to any other tax provided for in this chapter, there is hereby  
4     levied an excise tax of 1.75 cents per gallon on all motor vehicle  
5     fuel, except aviation fuel.  
6     2. The tax imposed pursuant to this section must be collected  
7     by the supplier in the manner provided in this chapter. Upon the  
8     collection of the tax by the supplier, the purchaser of the fuel shall  
9     provide to the supplier a statement that sets forth the number of  
10    gallons of fuel that will be sold to retailers in each county in this  
11    state. The tax must be paid to the Department and delivered by the  
12    Department to the State Treasurer. When the tax is paid to the



\* S B 2 3 7 R 1 \*

1 Department, the supplier shall provide to the Department a copy of  
2 the statement provided to the supplier by the purchaser pursuant to  
3 this subsection.

4 ~~[3. The provisions of this section shall be deemed to be~~  
5 ~~optional. The board of county commissioners of any county may~~  
6 ~~decline to accept the additional tax levied pursuant to this section by~~  
7 ~~the adoption of a resolution passed before July 1, 1947, which must~~  
8 ~~be reconsidered and passed once each year within 60 days before~~  
9 ~~July 1 of each year as long as the board of county commissioners~~  
10 ~~desires so to act. Upon the adoption of such a resolution no tax may~~  
11 ~~be collected.]~~

12 **Sec. 2.** NRS 365.545 is hereby amended to read as follows:

13 365.545 1. The proceeds of all taxes on fuel for jet or  
14 turbine-powered aircraft imposed pursuant to the provisions of NRS  
15 365.170 or 365.203 must be deposited in the Account for Taxes on  
16 Fuel for Jet or Turbine-Powered Aircraft in the State General Fund  
17 and must be allocated monthly by the Department to the  
18 governmental entity which owns the airport at which the tax was  
19 collected ~~[ ]~~ or , if the airport is privately owned, to the county in  
20 which the airport is located.

21 2. ~~[The money so received must]~~ *Except as otherwise provided*  
22 *in subsection 3, the money allocated pursuant to subsection 1:*

23 (a) *Must* be used by the governmental entity receiving it to pay  
24 the cost of:

25 ~~[(a)]~~ (1) Transportation projects related to airports, including  
26 access on the ground to airports;

27 ~~[(b)]~~ ~~Payment~~

28 (2) *The payment* of principal and interest on notes, bonds or  
29 other obligations incurred to fund projects described in ~~[paragraph~~  
30 ~~(a);~~

31 ~~—(c)]~~ *subparagraph (1);*

32 (3) Promoting the use of an airport, including, without  
33 limitation, increasing the number and availability of flights at the  
34 airport;

35 ~~[(d)]~~ (4) Contributing money to the Trust Fund for Aviation  
36 created by NRS 494.048; or

37 ~~[(e)]~~ (5) Any combination of those purposes ~~[~~

38 ~~3. Money so received may]; and~~

39 (b) *May* also be pledged for the payment of general or special  
40 obligations issued to fund projects described in paragraph (a) . ~~[of~~  
41 ~~subsection 2.~~

42 ~~—4.]~~ Any money pledged pursuant to ~~[the provisions of~~  
43 ~~subsection 3]~~ *this paragraph* may be treated as pledged revenues of  
44 the project for the purposes of subsection 3 of NRS 350.020.



1       3. Any money allocated pursuant to subsection 1 to a county  
2 whose population is 400,000 or more and in which a regional  
3 transportation commission has been created pursuant to chapter  
4 373 of NRS, from the proceeds of the tax imposed pursuant to  
5 subparagraph (1) of paragraph (b) of subsection 1 of NRS 365.170  
6 on fuel for jet or turbine-powered aircraft sold, distributed or used  
7 in that county, excluding the proceeds of any tax imposed  
8 pursuant to NRS 365.203, may, in addition to the uses authorized  
9 pursuant to subsection 2, be allocated by the county to that  
10 regional transportation commission. The money allocated  
11 pursuant to this subsection to a regional transportation  
12 commission:

13       (a) Must be used by the regional transportation commission:

14           (1) To pay the cost of transportation projects described in a  
15 regional plan for transportation established by that regional  
16 transportation commission pursuant to NRS 373.1161;

17           (2) For the payment of principal and interest on notes,  
18 bonds or other obligations incurred to fund projects described in  
19 subparagraph (1); or

20           (3) For any combination of those purposes; and

21       (b) May also be pledged for the payment of general or special  
22 obligations issued by the county at the request of the regional  
23 transportation commission to fund projects described in  
24 paragraph (a). Any money pledged pursuant to this paragraph  
25 may be treated as pledged revenues of the project for the purposes  
26 of subsection 3 of NRS 350.020.

27       **Sec. 3.** Chapter 373 of NRS is hereby amended by adding  
28 thereto a new section to read as follows:

29       1. In a county whose population is 100,000 or more but less  
30 than 400,000:

31       (a) The board may by ordinance impose:

32           (1) An excise tax on each gallon of motor vehicle fuel,  
33 except aviation fuel, sold in the county in an amount equal to the  
34 sum obtained by multiplying the amount of the tax imposed  
35 pursuant to NRS 365.180 by the lesser of 4.5 percent or the  
36 average percentage of increase in the Consumer Price Index for  
37 West Urban Consumers for the preceding 5 years; and

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



1       (b) *The board may by ordinance impose:*

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

8           (2) *An annual increase in the tax imposed pursuant to*  
9 *subparagraph (1), on the first day of each fiscal year following the*  
10 *fiscal year in which that tax becomes effective, in an amount equal*  
11 *to the sum of the tax imposed pursuant to NRS 365.190 and the*  
12 *tax imposed pursuant to subparagraph (1) during the preceding*  
13 *fiscal year, multiplied by the lesser of 4.5 percent or the average*  
14 *percentage of increase in the Consumer Price Index for West*  
15 *Urban Consumers for the preceding 5 years.*

16       (c) *The board may by ordinance impose:*

17           (1) *An excise tax on each gallon of motor vehicle fuel,*  
18 *except aviation fuel, sold in the county in an amount equal to the*  
19 *sum obtained by multiplying the amount of the tax imposed*  
20 *pursuant to NRS 365.192 by the lesser of 4.5 percent or the*  
21 *average percentage of increase in the Consumer Price Index for*  
22 *West Urban Consumers for the preceding 5 years; and*

23           (2) *An annual increase in the tax imposed pursuant to*  
24 *subparagraph (1), on the first day of each fiscal year following the*  
25 *fiscal year in which that tax becomes effective, in an amount equal*  
26 *to the sum of the tax imposed pursuant to NRS 365.192 and the*  
27 *tax imposed pursuant to subparagraph (1) during the preceding*  
28 *fiscal year, multiplied by the lesser of 4.5 percent or the average*  
29 *percentage of increase in the Consumer Price Index for West*  
30 *Urban Consumers for the preceding 5 years.*

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

33           (1) *An excise tax on each gallon of motor vehicle fuel,*  
34 *except aviation fuel and leaded racing fuel, sold in the county in*  
35 *an amount equal to the sum obtained by multiplying the amount*  
36 *of the tax imposed pursuant to paragraph (b) of subsection 1 of*  
37 *NRS 373.030 by the lesser of 4.5 percent or the average*  
38 *percentage of increase in the Consumer Price Index for West*  
39 *Urban Consumers for the preceding 5 years; and*

40           (2) *An annual increase in the tax imposed pursuant to*  
41 *subparagraph (1), on the first day of each fiscal year following the*  
42 *fiscal year in which that tax becomes effective, in an amount equal*  
43 *to the sum of the tax imposed pursuant to paragraph (b) of*  
44 *subsection 1 of NRS 373.030 and the tax imposed pursuant to*  
45 *subparagraph (1) during the preceding fiscal year, multiplied by*



\* S B 2 3 7 R 1 \*

1 *the lesser of 4.5 percent or the average percentage of increase in*  
2 *the Consumer Price Index for West Urban Consumers for the*  
3 *preceding 5 years.*

4 *2. Any ordinance authorized by this section may be adopted*  
5 *in combination with any other ordinance authorized by this*  
6 *section. Each tax imposed pursuant to this section is in addition to*  
7 *any other motor vehicle fuel taxes imposed pursuant to the*  
8 *provisions of this chapter and chapter 365 of NRS. Upon adoption*  
9 *of an ordinance authorized by this section, no further action by*  
10 *the board is necessary to effectuate the annual increases.*

11 *3. Any ordinance adopted pursuant to this section must*  
12 *become effective on the first day of the first calendar quarter*  
13 *beginning not less than 90 days after the adoption of the*  
14 *ordinance.*

15 *4. Any ordinance adopted pursuant to:*

16 *(a) Paragraph (a) of subsection 1 must:*

17 *(1) Require the allocation, disbursement and use in the*  
18 *county of the proceeds of the tax imposed pursuant to that*  
19 *ordinance in the same proportions and manner as the allocation,*  
20 *disbursement and use in the county of the proceeds of the tax*  
21 *imposed pursuant to NRS 365.180; and*

22 *(2) Expire by limitation on the effective date of any*  
23 *increase or decrease in the amount of the tax imposed pursuant to*  
24 *NRS 365.180 which becomes effective after the adoption of that*  
25 *ordinance.*

26 *(b) Paragraph (b) 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 365.190; 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 365.190 which becomes effective after the adoption of that*  
35 *ordinance.*

36 *(c) Paragraph (c) 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 365.192; 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 365.192 which becomes effective after the adoption of that*  
45 *ordinance.*



1 (d) Paragraph (d) 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 paragraph (b) of subsection 1 of NRS  
7 373.030; and

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

12 **Sec. 4.** NRS 373.070 is hereby amended to read as follows:

13 373.070 Any motor vehicle fuel tax ordinance enacted under  
14 this chapter must include provisions in substance as follows:

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

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

22 3. A provision that all amendments to chapter 365 of NRS  
23 subsequent to the date of enactment of the ordinance, not  
24 inconsistent with this chapter, automatically become a part of the  
25 motor vehicle fuel tax ordinance of the county.

26 4. A provision that the county shall contract ~~prior to~~ before  
27 the effective date of the county motor vehicle fuel tax ordinance  
28 with the Department to perform all functions incident to the  
29 administration or operation of the motor vehicle fuel tax ordinance  
30 of the county ~~and~~, including, if the ordinance is enacted pursuant  
31 to section 3 of this act, the calculation of each annual increase in  
32 the tax imposed pursuant to the ordinance.

33 **Sec. 5.** NRS 373.075 is hereby amended to read as follows:

34 373.075 Any ordinance amending ~~the~~ a motor fuel tax  
35 ordinance enacted pursuant to this chapter shall include a  
36 provision in substance that the county shall amend the contract  
37 made under subsection 4 of NRS 373.070 by a contract made  
38 between the county and the State acting by and through the  
39 Department ~~prior to~~ before the effective date of such amendatory  
40 ordinance, unless the county determines with the written  
41 concurrence of the commission that no such amendment of the  
42 contract is necessary or desirable.



1     **Sec. 6.** NRS 373.090 is hereby amended to read as follows:  
2     373.090 1. For the purpose of ~~the~~ *each* tax imposed by an  
3     ordinance enacted pursuant to this chapter, motor vehicle fuel is sold  
4     at the place where it is distributed from a terminal.

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

7     **Sec. 7.** NRS 373.110 is hereby amended to read as follows:

8     373.110 ~~1. Except as provided in NRS 373.119, all~~ *All the*  
9     net proceeds of the county motor vehicle fuel tax :

10    1. *Imposed pursuant to paragraph (b) of subsection 1 of NRS*  
11    *373.030 or paragraph (d) of subsection 1 of section 3 of this act*  
12    *which are* received by the county pursuant to NRS 373.080 ~~shall~~  
13    *must, except as otherwise provided in NRS 373.119,* be deposited  
14    by the county treasurer in a fund to be known as the regional street  
15    and highway fund in the county treasury, and disbursed only in  
16    accordance with the provisions of this chapter.

17    ~~2.~~ After July 1, 1975, the regional street and highway fund  
18    must be accounted for as a separate fund and not as a part of any  
19    other fund.

20    2. *Imposed pursuant to paragraph (a), (b) or (c) of subsection*  
21    *1 of section 3 of this act which are received by the county pursuant*  
22    *to NRS 373.080 must be allocated, disbursed and used as provided*  
23    *in the ordinance imposing the tax.*

24    **Sec. 8.** NRS 373.119 is hereby amended to read as follows:

25    373.119 1. Except to the extent pledged before July 1, 1985,  
26    the board may use that portion of the revenue collected pursuant to  
27    the provisions of this chapter *from any taxes imposed pursuant to*  
28    *paragraph (b) of subsection 1 of NRS 373.030 or paragraph (d) of*  
29    *subsection 1 of section 3 of this act* that represents collections from  
30    the sale of fuel for use in boats at marinas in the county to make  
31    capital improvements or to conduct programs to encourage safety in  
32    boating. If the county does not control a body of water, where an  
33    improvement or program is appropriate, the board may contract with  
34    an appropriate person or governmental organization for the  
35    improvement or program.

36    2. Each marina shall report monthly to the Department  
37    the number of gallons of motor vehicle fuel sold for use in boats.  
38    The report must be made on or before the 25th day of each month  
39    for sales during the preceding month.

40    **Sec. 9.** NRS 373.130 is hereby amended to read as follows:

41    373.130 1. Money for the payment of the cost of a project  
42    within the area embraced by a regional plan for transportation  
43    established pursuant to NRS 373.1161 may be obtained by the  
44    issuance of revenue bonds and other revenue securities as provided  
45    in subsection 2, or, subject to any pledges, liens and other





1 contractual limitations made pursuant to the provisions of this  
2 chapter, may be obtained by direct distribution from the regional  
3 street and highway fund, except to the extent any such use is  
4 prevented by the provisions of NRS 373.150, or may be obtained  
5 both by the issuance of such securities and by such direct  
6 distribution, as the board may determine. Money for street and  
7 highway construction outside the area embraced by the plan may be  
8 distributed directly from the regional street and highway fund as  
9 provided in NRS 373.150.

10 2. The board may, after the enactment of an ordinance as  
11 authorized by *paragraph (b) of subsection 1 of NRS 373.030* ~~§~~ *or*  
12 *paragraph (d) of subsection 1 of section 3 of this act*, issue revenue  
13 bonds and other revenue securities, on the behalf and in the name of  
14 the county:

15 (a) The total of all of which, issued and outstanding at any one  
16 time, must not be in an amount requiring a total debt service in  
17 excess of the estimated receipts to be derived from the ~~tax~~ *taxes*  
18 imposed pursuant to the provisions of *paragraph (b) of subsection 1*  
19 *of NRS 373.030* ~~§~~ *and paragraph (d) of subsection 1 of section 3*  
20 *of this act*;

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

23 (c) Which may be secured as to principal and interest by a  
24 pledge authorized by this chapter of the receipts from the motor  
25 vehicle fuel taxes designated in this chapter, except such portion of  
26 the receipts as may be required for the direct distributions  
27 authorized by NRS 373.150.

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

31 4. Subject to the provisions of this chapter, for any project  
32 authorized therein, the board of any county may, on the behalf and  
33 in the name of the county, borrow money, otherwise become  
34 obligated, and evidence obligations by the issuance of bonds and  
35 other county securities, and in connection with the undertaking or  
36 project, the board may otherwise proceed as provided in the Local  
37 Government Securities Law.

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

43 6. Except for:

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





1 (b) Any interim debentures which are funded with the proceeds  
2 of bonds;

3 (c) Any temporary bonds which are exchanged for definitive  
4 bonds;

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

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

9 all bonds and other securities issued pursuant to the provisions of  
10 this chapter must be payable solely from the proceeds of motor  
11 vehicle fuel taxes collected by or remitted to the county pursuant to  
12 chapter 365 of NRS, as supplemented by this chapter. Receipts of  
13 the taxes levied in NRS 365.180 and 365.190 *and pursuant to*  
14 *paragraphs (a) and (b) of subsection 1 of section 3 of this act* may  
15 be used by the county for the payment of securities issued pursuant  
16 to the provisions of this chapter and may be pledged therefor. If  
17 during any period any securities payable from these tax proceeds are  
18 outstanding, the tax receipts must not be used directly for the  
19 construction, maintenance and repair of any streets, roads or other  
20 highways nor for any purchase of equipment therefor, and the  
21 receipts of the tax levied in NRS 365.190 must not be apportioned  
22 pursuant to subsection 2 of NRS 365.560 unless, at any time the tax  
23 receipts are so apportioned, provision has been made in a timely  
24 manner for the payment of such outstanding securities as to the  
25 principal of, any prior redemption premiums due in connection with,  
26 and the interest on the securities as they become due, as provided in  
27 the securities, the ordinance authorizing their issuance, and any  
28 other instrument appertaining to the securities.

29 7. The ordinance authorizing the issuance of any bond or other  
30 revenue security hereunder must describe the purpose for which it is  
31 issued at least in general terms and may describe the purpose in  
32 detail. This section does not require the purpose so stated to be set  
33 forth in the detail in which the project approved by the commission  
34 pursuant to subsection 2 of NRS 373.140 is stated, or prevent the  
35 modification by the board of details as to the purpose stated in the  
36 ordinance authorizing the issuance of any bond or other security  
37 after its issuance, subject to approval by the commission of the  
38 project as so modified.

39 **Sec. 10.** NRS 373.140 is hereby amended to read as follows:

40 373.140 1. After the enactment of an ordinance as authorized  
41 in NRS 373.030, all street and highway construction, surfacing or  
42 resurfacing projects in the county which are proposed to be financed  
43 from ~~the~~ a county motor vehicle fuel tax *imposed pursuant to*  
44 *paragraph (b) of subsection 1 of NRS 373.030 or paragraph (d) of*



\* S B 2 3 7 R 1 \*

1 *subsection 1 of section 3 of this act* must first be submitted to the  
2 regional transportation commission.

3 2. ~~[Where]~~ *If* the project is within the area covered by a  
4 regional plan for transportation established pursuant to NRS  
5 373.1161, the commission shall evaluate it in terms of:

- 6 (a) The priorities established by the plan;  
7 (b) The relation of the proposed work to other projects already  
8 constructed or authorized;  
9 (c) The relative need for the project in comparison with others  
10 proposed; and  
11 (d) The money available.

12 If the commission approves the project, the board may authorize the  
13 project, using all or any part of the proceeds of the county motor  
14 vehicle fuel tax authorized ~~[by this chapter,]~~ *pursuant to paragraph*  
15 *(b) of subsection 1 of NRS 373.030 or paragraph (d) of subsection*  
16 *1 of section 3 of this act*, except to the extent any such use is  
17 prevented by the provisions for direct distribution required by NRS  
18 373.150 or is prevented by any pledge to secure the payment of  
19 outstanding bonds, other securities or other obligations incurred  
20 hereunder, and other contractual limitations appertaining to such  
21 obligations as authorized by NRS 373.160, and the proceeds of  
22 revenue bonds or other securities issued or to be issued as provided  
23 in NRS 373.130. Except as otherwise provided in subsection 3, if  
24 the board authorizes the project, the responsibilities for letting  
25 construction and other necessary contracts, contract administration,  
26 supervision and inspection of work and the performance of other  
27 duties related to the acquisition of the project must be specified in  
28 written agreements executed by the board and the governing bodies  
29 of the cities and towns within the area covered by a regional plan for  
30 transportation established pursuant to NRS 373.1161.

31 3. In a county in which two or more governmental entities are  
32 represented on the commission, the governing bodies of those  
33 governmental entities may enter into a written master agreement that  
34 allows a written agreement described in subsection 2 to be executed  
35 by only the commission and the governmental entity that receives  
36 funding for the approved project. The provisions of a written master  
37 agreement must not be used until the governing body of each  
38 governmental entity represented on the commission ratifies the  
39 written master agreement.

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

- 42 (a) Its relation to the regional plan for transportation established  
43 pursuant to NRS 373.1161 if any;  
44 (b) The relation of the proposed work to other projects  
45 constructed or authorized;



\* S B 2 3 7 R 1 \*

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

3 (d) The availability of money.

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

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

10 **Sec. 11.** NRS 373.160 is hereby amended to read as follows:

11 373.160 1. The ordinance or ordinances providing for the  
12 issuance of any bonds or other securities issued hereunder payable  
13 from the receipts from the motor vehicle fuel excise taxes herein  
14 designated may at the discretion of the board, in addition to  
15 covenants and other provisions authorized in the Local Government  
16 Securities Law, contain covenants or other provisions as to the  
17 pledge of and the creation of a lien upon the receipts of the ~~{tax}~~  
18 ~~taxes~~ collected for the county ~~hereunder~~ *pursuant to paragraph*  
19 *(b) of subsection 1 of NRS 373.030 and paragraph (d) of*  
20 *subsection 1 of section 3 of this act*, excluding any tax proceeds to  
21 be distributed directly under the provisions of NRS 373.150 , ~~{}~~ or  
22 the proceeds of the bonds or other securities pending their  
23 application to defray the cost of the project, or both such tax  
24 proceeds and security proceeds, to secure the payment of revenue  
25 bonds or other securities issued hereunder.

26 2. If the board determines in any ordinance authorizing the  
27 issuance of any bonds or other securities hereunder that the proceeds  
28 of the ~~{tax}~~ ~~taxes~~ levied and collected pursuant to ~~{the County Motor~~  
29 ~~Vehicle Fuel Tax Law}~~ *paragraph (b) of subsection 1 of NRS*  
30 *373.030 and paragraph (d) of subsection 1 of section 3 of this act*  
31 are sufficient to pay all bonds and securities, including the proposed  
32 issue, from the proceeds thereof, the board may additionally secure  
33 the payment of any bonds or other securities issued pursuant to *the*  
34 ordinance hereunder by a pledge of and the creation of a lien upon  
35 not only the proceeds of any motor *vehicle* fuel tax authorized at the  
36 time of the issuance of such securities to be used for such payment  
37 in subsection 6 of NRS 373.130, but also the proceeds of any such  
38 tax thereafter authorized to be used or pledged , or used and pledged  
39 , for the payment of such securities, whether such tax be levied or  
40 collected by the county, the State of Nevada, or otherwise, or be  
41 levied in at least an equivalent value in lieu of any such tax existing  
42 at the time of the issuance of such securities or be levied in  
43 supplementation thereof.

44 3. The pledges and liens authorized by subsections 1 and 2 ~~{of~~  
45 ~~this section shall}~~ extend to the proceeds of any tax collected for use



\* S B 2 3 7 R 1 \*

1 by the county on any motor vehicle fuel so long as any bonds or  
2 other securities issued hereunder remain outstanding and ~~{shall not~~  
3 ~~be}~~ *are not* limited to any type or types of motor vehicle fuel in use  
4 when the bonds or other securities ~~{shall be}~~ *are* issued.

5 **Sec. 12.** NRS 377A.020 is hereby amended to read as follows:

6 377A.020 1. The board of county commissioners of ~~{any}~~ :

7 (a) *Any* county may enact an ordinance imposing a tax for a  
8 public transit system , ~~{or}~~ for the construction, maintenance and  
9 repair of public roads, *for the improvement of air quality* or ~~{both,}~~  
10 *for any combination of those purposes* pursuant to NRS 377A.030.  
11 ~~{The board of county commissioners of any}~~

12 (b) *Any* county whose population is less than 400,000 may enact  
13 an ordinance imposing a tax to promote tourism pursuant to NRS  
14 377A.030.

15 2. An ordinance enacted pursuant to this chapter may not  
16 become effective before a question concerning the imposition of the  
17 tax is approved by a majority of the registered voters of the county  
18 voting upon the question which the board may submit to the voters  
19 at any general election. A county may combine the questions for a  
20 public transit system , ~~{and}~~ for the construction, maintenance and  
21 repair of public roads *and for the improvement of air quality* with  
22 questions submitted pursuant to NRS 244.3351, 278.710 or 371.045,  
23 or any combination thereof. The board shall also submit to the  
24 voters at a general election any proposal to increase the rate of the  
25 tax or change the previously approved uses for the proceeds of  
26 the tax.

27 3. Any ordinance enacted pursuant to this section must specify  
28 the date on which the tax must first be imposed or on which an  
29 increase in the rate of the tax becomes effective, which must not be  
30 earlier than the first day of the second calendar month following the  
31 approval of the question by the voters.

32 **Sec. 13.** NRS 377A.030 is hereby amended to read as follows:

33 377A.030 Except as otherwise provided in NRS 377A.110, any  
34 ordinance enacted under this chapter must include provisions in  
35 substance as follows:

36 1. A provision imposing a tax upon retailers at the rate of not  
37 more than:

38 (a) For a tax to promote tourism, one-quarter of 1 percent; or

39 (b) For a tax to establish and maintain a public transit system ,  
40 ~~{or}~~ for the construction, maintenance and repair of public roads, *for*  
41 *the improvement of air quality* or ~~{both,}~~ *for any combination of*  
42 *those purposes*, one-half of 1 percent,

43 of the gross receipts of any retailer from the sale of all tangible  
44 personal property sold at retail, or stored, used or otherwise  
45 consumed, in a county.



\* S B 2 3 7 R 1 \*

1 2. Provisions substantially identical to those contained in  
2 chapter 374 of NRS, insofar as applicable.

3 3. A provision that all amendments to chapter 374 of NRS after  
4 the date of enactment of the ordinance, not inconsistent with this  
5 chapter, automatically become a part of ~~{an ordinance imposing the~~  
6 ~~tax for public mass transportation and construction of public roads~~  
7 ~~or the tax to promote tourism in the county.}~~ *the ordinance.*

8 4. A provision that the county shall contract before the  
9 effective date of the ordinance with the Department to perform all  
10 functions incident to the administration or operation of the tax in the  
11 county.

12 5. A provision that exempts from the tax or any increase in the  
13 tax the gross receipts from the sale of, and the storage, use or other  
14 consumption in a county of, tangible personal property used for the  
15 performance of a written contract for the construction of an  
16 improvement to real property, entered into on or before the effective  
17 date of the tax or the increase in the tax, or for which a binding bid  
18 was submitted before that date if the bid was afterward accepted, if  
19 under the terms of the contract or bid the contract price or bid  
20 amount cannot be adjusted to reflect the imposition of the tax or the  
21 increase in the tax.

22 **Sec. 14.** NRS 377A.070 is hereby amended to read as follows:

23 377A.070 1. The county treasurer shall deposit the money  
24 received from the State Controller pursuant to NRS 377A.050 for a  
25 public transit system, ~~{or}~~ for the construction, maintenance and  
26 repair of public roads, *for the improvement or air quality* or ~~{both,}~~  
27 *for any combination of those purposes* in the county treasury for  
28 credit to a fund to be known as the public transit fund.

29 2. The public transit fund must be accounted for as a separate  
30 fund and not as a part of any other fund.

31 **Sec. 15.** NRS 377A.080 is hereby amended to read as follows:

32 377A.080 1. In any county in which a tax for a public transit  
33 system, ~~{or}~~ for the construction, maintenance and repair of public  
34 roads, *for the improvement of air quality* or ~~{both,}~~ *for any*  
35 *combination of those purposes* has been imposed, the board shall  
36 by ordinance create a regional transportation commission pursuant  
37 to chapter 373 of NRS if one has not already been created under that  
38 chapter. ~~{Where}~~ *If* a regional transportation commission has  
39 already been created under that chapter, that commission may also  
40 exercise the powers conferred by this section.

41 2. The regional transportation commission may:

42 (a) Appropriate money in the public transit fund accumulated by  
43 a county to provide a public transit system for that county if the  
44 system is included in a regional transportation plan adopted by the  
45 regional transportation commission;



1 (b) Appropriate money to provide transportation or to support  
2 agencies which are providing transportation for the elderly and  
3 persons with disabilities, if the services are consistent with the  
4 regional transportation plan;

5 (c) Provide for or perform all functions incident to the  
6 administration and operation of the public transit system, including  
7 the establishment of fares for the system; and

8 (d) Adopt regulations for the operation of systems or services  
9 provided by the commission and for systems or services financed by  
10 the commission and provided by an agency or a private contractor.

11 3. The commission may draw money out of the public transit  
12 fund only for:

13 (a) The establishment and maintenance of a public transit  
14 system for the county and for the support of other activities, services  
15 and programs related to transportation which are included in a  
16 regional transportation plan adopted by the commission;

17 (b) The construction, maintenance and repair of public roads;

18 (c) *The distribution of money to the local air pollution control*  
19 *agency which administers the program established in the county*  
20 *pursuant to NRS 445B.500, to support activities, services and*  
21 *programs related to the improvement of air quality;*

22 (d) The payment of principal and interest on notes, bonds or  
23 other securities issued to provide ~~{funds}~~ *money* for the cost of  
24 projects described in paragraphs (a) ~~and (b); or~~

25 ~~—(d) , (b) and (c); or~~

26 (e) Any combination of those purposes.

27 **Sec. 16.** NRS 377A.090 is hereby amended to read as follows:

28 377A.090 1. Money for the payment of the cost of  
29 establishing and maintaining a public transit system , ~~{or}~~ for the  
30 construction, maintenance and repair of public roads, *for the*  
31 *improvement of air quality* or ~~{both,}~~ *for any combination of those*  
32 *purposes* may be obtained by the issuance of bonds and other  
33 securities as provided in subsection 2, or, subject to any pledges,  
34 liens and other contractual limitations made pursuant to this chapter,  
35 may be obtained by direct distribution from the public transit fund,  
36 or may be obtained both by the issuance of such securities and by  
37 such direct distribution as the board may determine.

38 2. The board may, after the enactment of an ordinance  
39 ~~{imposing a tax for a public transit system or for the construction,~~  
40 ~~maintenance and repair of public roads, or both, as}~~ authorized by  
41 *paragraph (a) of subsection 1 of* NRS 377A.020, from time to time  
42 issue bonds and other securities, which are general or special  
43 obligations of the county and which may be secured as to principal  
44 and interest by a pledge authorized by this chapter of the receipts  
45 from the tax ~~{for a public transit system or for the construction,~~



1 ~~maintenance and repair of public roads, or both,]~~ *imposed by that*  
2 *ordinance.*

3 3. The ordinance authorizing the issuance of any bond or other  
4 security must describe the purpose for which it is issued.

5 **Sec. 17.** NRS 377A.100 is hereby amended to read as follows:

6 377A.100 1. Each ordinance providing for the issuance of  
7 any bond or security issued under this chapter payable from the  
8 receipts of the tax ~~[for a public transit system or for the construction,~~  
9 ~~maintenance and repair of public roads, or both,]~~ *imposed pursuant*  
10 *to paragraph (b) of subsection 1 of NRS 377A.030* may, in addition  
11 to covenants and other provisions authorized in the Local  
12 Government Securities Law, contain a covenant or other provision  
13 to pledge and create a lien upon the receipts of the tax or upon the  
14 proceeds of any bond or security pending their application to defray  
15 the cost of establishing or operating a public transit system,  
16 *constructing, maintaining or repairing public roads or improving*  
17 *air quality*, or both tax proceeds and security proceeds, to secure the  
18 payment of any bond or security issued under this chapter.

19 2. Any money pledged to the payment of bonds or other  
20 securities pursuant to subsection 1 may be treated as pledged  
21 revenues of the project for the purposes of subsection 3 of NRS  
22 350.020.

23 **Sec. 18.** NRS 377A.110 is hereby amended to read as follows:

24 377A.110 1. Subject to the provisions of subsection 2, the  
25 board may gradually reduce the amount of *any* tax imposed  
26 pursuant to this chapter for a public transit system , ~~[or]~~ for the  
27 construction, maintenance and repair of public roads, *for the*  
28 *improvement of air quality* or ~~[both,]~~ *for any combination of those*  
29 *purposes* as revenue from the operation of ~~[the public transit~~  
30 ~~system]~~ *those projects* permits.

31 2. No such taxing ordinance may be repealed or amended or  
32 otherwise directly or indirectly modified in such a manner as to  
33 impair any outstanding bonds issued under this chapter, or other  
34 obligations incurred under this chapter, until all obligations, for  
35 which revenues from the ordinance have been pledged or otherwise  
36 made payable from such revenues pursuant to this chapter, have  
37 been discharged in full, but the board may at any time dissolve the  
38 regional transportation commission and provide that no further  
39 obligations be incurred thereafter.

40 **Sec. 19.** NRS 278.710 is hereby amended to read as follows:

41 278.710 1. A board of county commissioners may by  
42 ordinance, but not as in a case of emergency, impose a tax for the  
43 improvement of transportation on the privilege of new residential,  
44 commercial, industrial and other development pursuant to paragraph  
45 (a) or (b) as follows:





1 (a) After receiving the approval of a majority of the registered  
2 voters of the county voting on the question at a special election or  
3 the next primary or general election, the board of county  
4 commissioners may impose the tax throughout the county, including  
5 any such development in incorporated cities in the county. A county  
6 may combine this question with a question submitted pursuant to  
7 NRS 244.3351, 371.045 or 377A.020, or any combination thereof.

8 (b) After receiving the approval of a majority of the registered  
9 voters who reside within the boundaries of a transportation district  
10 created pursuant to NRS 244A.252, voting on the question at a  
11 special or general district election or primary or general state  
12 election, the board of county commissioners may impose the tax  
13 within the boundaries of the district. A county may combine this  
14 question with a question submitted pursuant to NRS 244.3351.

15 2. A special election may be held only if the board of county  
16 commissioners determines, by a unanimous vote, that an emergency  
17 exists. The determination made by the board of county  
18 commissioners is conclusive unless it is shown that the board acted  
19 with fraud or a gross abuse of discretion. An action to challenge the  
20 determination made by the board must be commenced within 15  
21 days after the board's determination is final. As used in this  
22 subsection, "emergency" means any unexpected occurrence or  
23 combination of occurrences which requires immediate action by the  
24 board of county commissioners to prevent or mitigate a substantial  
25 financial loss to the county or to enable the board of county  
26 commissioners to provide an essential service to the residents of the  
27 county.

28 3. The tax imposed pursuant to this section must be at such a  
29 rate and based on such criteria and classifications as the board of  
30 county commissioners determines to be appropriate. Each such  
31 determination is conclusive unless it constitutes an arbitrary and  
32 capricious abuse of discretion, but the tax imposed must not :

33 (a) *For any fiscal year beginning:*

34 (1) *Before July 1, 2003, exceed \$500 ;*

35 (2) *On or after July 1, 2003, and before July 1, 2005,*  
36 *exceed \$650;*

37 (3) *On or after July 1, 2005, and before July 1, 2010,*  
38 *exceed \$700;*

39 (4) *On or after July 1, 2010, and before July 1, 2015,*  
40 *exceed \$800;*

41 (5) *On or after July 1, 2015, and before July 1, 2020,*  
42 *exceed \$900; or*

43 (6) *On or after July 1, 2020, exceed \$1,000,*



\* S B 2 3 7 R 1 \*

1 per single-family dwelling unit of new residential development, or  
2 the equivalent thereof as determined by the board of county  
3 commissioners ~~[, or 50 cents]~~; or

4 *(b) For any fiscal year beginning:*

5 *(1) Before July 1, 2003, \$0.50;*

6 *(2) On or after July 1, 2003, and before July 1, 2005,*  
7 *exceed \$0.65;*

8 *(3) On or after July 1, 2005, and before July 1, 2010,*  
9 *exceed \$0.75;*

10 *(4) On or after July 1, 2010, and before July 1, 2015,*  
11 *exceed \$0.80;*

12 *(5) On or after July 1, 2015, and before July 1, 2020,*  
13 *exceed \$0.90; or*

14 *(6) On or after July 1, 2020, exceed \$1.00,*

15 per square foot on other new development.

16 *4.* If so provided in ~~[the ordinance,]~~ *an ordinance adopted*  
17 *pursuant to this section,* a newly developed lot for a mobile home  
18 must be considered a single-family dwelling unit of new residential  
19 development.

20 ~~[4.]~~ *5.* The tax imposed pursuant to this section must be  
21 collected before the time a certificate of occupancy for a building or  
22 other structure constituting new development is issued, or at such  
23 other time as is specified in the ordinance imposing the tax. If so  
24 provided in the ordinance, no certificate of occupancy may be issued  
25 by any local government unless proof of payment of the tax is filed  
26 with the person authorized to issue the certificate of occupancy.  
27 Collection of the tax imposed pursuant to this section must not  
28 commence earlier than the first day of the second calendar month  
29 after adoption of the ordinance imposing the tax.

30 ~~[5.]~~ *6.* In a county in which a tax has been imposed pursuant to  
31 paragraph (a) of subsection 1, the revenue derived from the tax must  
32 be used exclusively to pay the cost of:

33 (a) Projects related to the construction and maintenance of  
34 sidewalks, streets, avenues, boulevards, highways and other public  
35 rights-of-way used primarily for vehicular traffic, including, without  
36 limitation, overpass projects, street projects and underpass projects,  
37 as defined in NRS 244A.037, 244A.053 and 244A.055,  
38 respectively:

39 (1) Within the boundaries of the county;

40 (2) Within 1 mile outside the boundaries of the county if the  
41 board of county commissioners finds that such projects outside  
42 the boundaries of the county will facilitate transportation within the  
43 county; or



1 (3) Within 30 miles outside the boundaries of the county and  
2 the boundaries of this state, where those boundaries are  
3 coterminous, if:

4 (I) The projects consist of improvements to a highway  
5 which is located wholly or partially outside the boundaries of this  
6 state and which connects this state to an interstate highway; and

7 (II) The board of county commissioners finds that such  
8 projects will provide a significant economic benefit to the county;

9 (b) The principal and interest on notes, bonds or other  
10 obligations incurred to fund projects described in paragraph (a); or

11 (c) Any combination of those uses.

12 ~~[6-]~~ 7. In a transportation district in which a tax has been  
13 imposed pursuant to paragraph (b) of subsection 1, the revenue  
14 derived from the tax must be used exclusively to pay the cost of:

15 (a) Projects related to the construction and maintenance of  
16 sidewalks, streets, avenues, boulevards, highways and other public  
17 rights-of-way used primarily for vehicular traffic, including, without  
18 limitation, overpass projects, street projects and underpass projects,  
19 as defined in NRS 244A.037, 244A.053 and 244A.055, respectively,  
20 within the boundaries of the district or within such a distance  
21 outside those boundaries as is stated in the ordinance imposing the  
22 tax, if the board of county commissioners finds that such projects  
23 outside the boundaries of the district will facilitate transportation  
24 within the district;

25 (b) The principal and interest on notes, bonds or other  
26 obligations incurred to fund projects described in paragraph (a); or

27 (c) Any combination of those uses.

28 ~~[7-]~~ 8. The county may expend the proceeds of the tax  
29 authorized by this section, or any borrowing in anticipation of the  
30 tax, pursuant to an interlocal agreement between the county and  
31 the regional transportation commission of the county with respect to  
32 the projects to be financed with the proceeds of the tax.

33 ~~[8-]~~ 9. The provisions of chapter 278B of NRS and any action  
34 taken pursuant to that chapter do not limit or in any other way apply  
35 to any tax imposed pursuant to this section.

36 **Sec. 20.** Chapter 278B of NRS is hereby amended by adding  
37 thereto a new section to read as follows:

38 *1. The governing body of a local government which imposes*  
39 *an impact fee to pay the cost of constructing a street project may*  
40 *include a provision in the ordinance imposing the impact fee or*  
41 *adopt a separate ordinance providing that each year in which the*  
42 *governing body does not adopt any revisions to the land use*  
43 *assumptions or capital improvements plan or otherwise increase*  
44 *the impact fee, the current amount of the impact fee is*  
45 *cumulatively increased:*



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

4       (b) *By 4.5 percent,*  
5 *whichever is less.*

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

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

12       (a) *The date upon which the impact fee initially becomes*  
13 *effective;*

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

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

19       **Sec. 21.** NRS 278B.230 is hereby amended to read as follows:

20       278B.230 1. The impact fee per service unit, *excluding the*  
21 *amount of any increase authorized pursuant to section 20 of this*  
22 *act*, must not exceed the amount determined by dividing the costs of  
23 the capital improvements described in subsection 3 of NRS  
24 278B.170 by the total number of projected service units described in  
25 subsection 6 of NRS 278B.170.

26       2. If the number of new service units projected over a period is  
27 less than the total number of new service units shown by the  
28 approved land use assumptions at full development of the service  
29 area, the maximum impact fee which may be charged per service  
30 unit, *excluding the amount of any increase authorized pursuant to*  
31 *section 20 of this act*, must be calculated by dividing the costs of the  
32 part of the capital improvements required by the new service units  
33 described in subsection 7 of NRS 278B.170 by the projected new  
34 service units described in that subsection.

35       3. The impact fee may be collected at the same time as the fee  
36 for issuance of a building permit for the service unit or at the time a  
37 certificate of occupancy is issued for the service unit, as specified in  
38 the ordinance.

39       **Sec. 22.** 1. The approval by the voters on November 5, 2002,  
40 of Advisory Question No. 10, concerning transportation, on the  
41 2002 general election ballot for Clark County shall be deemed to  
42 constitute approval by the voters of the taxes authorized by the  
43 provisions of NRS 278.710, as amended by this act, and paragraph  
44 (b) of subsection 1 of NRS 377A.030, as amended by this act. No  
45 other approval by the voters is required for the imposition of those



1 taxes in Clark County, including its incorporated cities, at the  
2 following rates:  
3 (a) Pursuant to NRS 278.710:  
4 (1) For each fiscal year beginning:  
5 (I) On or after July 1, 2003, and before July 1, 2005,  
6 \$650;  
7 (II) On or after July 1, 2005, and before July 1, 2010,  
8 \$700;  
9 (III) On or after July 1, 2010, and before July 1, 2015,  
10 \$800;  
11 (IV) On or after July 1, 2015, and before July 1, 2020,  
12 \$900; and  
13 (V) On or after July 1, 2020, \$1,000,  
14 per single-family dwelling of new residential development, or the  
15 equivalent thereof as determined by the board of county  
16 commissioners; and  
17 (2) For each fiscal year beginning:  
18 (I) On or after July 1, 2003, and before July 1, 2005,  
19 \$0.65;  
20 (II) On or after July 1, 2005, and before July 1, 2010,  
21 \$0.75;  
22 (III) On or after July 1, 2010, and before July 1, 2015,  
23 \$0.80;  
24 (IV) On or after July 1, 2015, and before July 1, 2020,  
25 \$0.90; and  
26 (V) On or after July 1, 2020, \$1.00,  
27 per square foot on other new development; and  
28 (b) Pursuant to paragraph (b) of subsection 1 of NRS 377A.030:  
29 (1) One-half of 1 percent of the gross receipts of any retailer  
30 from the sale of all tangible personal property sold at retail, or  
31 stored, used or otherwise consumed in the county, until:  
32 (I) The last day of the fiscal year during which the  
33 Department of Taxation determines that the cumulative total  
34 proceeds of the tax imposed at that rate equal or exceed \$1.7 billion;  
35 or  
36 (II) June 30, 2028,  
37 whichever occurs earlier; and  
38 (2) Three-eighths of 1 percent of the gross receipts of any  
39 retailer from the sale of all tangible personal property sold at retail,  
40 or stored, used or otherwise consumed in the county, during each  
41 subsequent fiscal year.  
42 2. The approval by the voters on November 5, 2002, of  
43 Advisory Question No. 2, concerning transportation, on the 2002  
44 general election ballot for Washoe County shall be deemed to  
45 constitute approval by the voters of an increase in the rate of the tax



\* S B 2 3 7 R 1 \*

1 imposed pursuant to paragraph (b) of subsection 1 of NRS  
2 377A.030, as amended by this act, to three-eighths of 1 percent of  
3 the gross receipts of any retailer from the sale of all tangible  
4 personal property sold at retail, or stored, used or otherwise  
5 consumed in the county. No other approval by the voters is required  
6 for the imposition of that increase in the rate of that tax in Washoe  
7 County, including its incorporated cities.

8 3. If at any time after November 5, 2002, and before the  
9 effective date of this act, another county obtains approval by the  
10 voters of a measure which complies with the provisions of NRS  
11 278.710 for the tax authorized by that section, as amended by this  
12 act, that approval shall be deemed to constitute approval of the tax  
13 specified on the ballot and no other approval by the voters is  
14 required for imposition of that tax at the rate or rates specified on  
15 that ballot.

16 **Sec. 23.** If any provision of this act, or the application thereof  
17 to any person, thing or circumstance is held invalid, such invalidity  
18 does not affect the provisions or applications of this act which can  
19 be given effect without the invalid provision or application, and to  
20 this end the provisions of this act are hereby declared to be  
21 severable.

22 **Sec. 24.** This act becomes effective upon passage and  
23 approval.

