

SENATE BILL NO. 497—SENATORS RAGGIO, TOWNSEND,
WASHINGTON AND MATHEWS

MAY 23, 2003

JOINT SPONSORS: ASSEMBLYMEN HETTRICK, ANGLE, GUSTAVSON,
KNECHT, MARVEL, ANDERSON, GEDDES, GIBBONS
AND LESLIE

Referred to Committee on Government Affairs

SUMMARY—Authorizes imposition of fee on certain rental cars
and issuance of revenue bonds in certain counties to
finance minor league baseball stadium.
(BDR 20-1356)

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 county finances; authorizing the imposition of a
fee on certain rental cars and the issuance of revenue
bonds in certain counties to finance a minor league
baseball stadium; providing for the collection, distribution
and use of the fee; authorizing a county to revise certain
schedules of fees, rates, charges and taxes to ensure the
payment of certain revenue bonds of the county; 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 244A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 7, inclusive,
3 of this act.
4 **Sec. 2.** *As used in sections 2 to 5, inclusive, of this act:*
5 1. *“Department” means the Department of Taxation.*



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1 2. "Minor league baseball stadium project" has the meaning
2 ascribed to it in section 6 of this act.

3 Sec. 3. 1. Except as otherwise provided in subsection 2, the
4 board of county commissioners of a county whose population is
5 100,000 or more but less than 400,000 may by ordinance impose a
6 fee upon the lease of a passenger car by a short-term lessor in the
7 county in the amount of not more than 2 percent of the total
8 amount for which the passenger car was leased, excluding any
9 taxes or other fees imposed by a governmental entity.

10 2. The fee imposed pursuant to subsection 1 must not apply to
11 replacement vehicles. As used in this subsection, "replacement
12 vehicle" means a vehicle that is:

13 (a) Rented temporarily by or on behalf of a person or leased to
14 a person by a facility that repairs motor vehicles or a motor vehicle
15 dealer; and

16 (b) Used by the person in place of a motor vehicle owned by
17 the person that is unavailable for use because of mechanical
18 breakdown, repair, service, damage or loss as defined in the
19 owner's policy of liability insurance for the motor vehicle.

20 3. Any proceeds of a fee imposed pursuant to this section
21 which are received by a county must be used solely to pay the costs
22 to acquire, improve, equip, operate and maintain within the county
23 a minor league baseball stadium project, or to pay the principal of,
24 interest on or other payments due with respect to bonds issued to
25 pay such costs, including bonds issued to refund bonds issued to
26 pay such costs, or any combination thereof.

27 4. The board of county commissioners shall not repeal or
28 amend or otherwise directly or indirectly modify an ordinance
29 imposing a fee pursuant to subsection 1 in such a manner as to
30 impair any outstanding bonds issued by or other obligations
31 incurred by the county until all obligations for which revenue
32 from the ordinance have been pledged or otherwise made payable
33 from such revenue have been discharged in full or provision for
34 full payment and redemption has been made.

35 5. As used in this section, the words and terms defined in
36 NRS 482.053 and 482.087 have the meanings ascribed to them in
37 those sections.

38 Sec. 4. 1. Any ordinance adopted pursuant to section 3 of
39 this act must include a provision requiring the board of county
40 commissioners to enter into a contract before the effective date of
41 the ordinance with the Department to perform all functions
42 incident to the collection and administration of the fee in the
43 county. Such a contract must:



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- 1 (a) Authorize the Department to retain 0.25 percent of the
2 amount of the proceeds of the fee to reimburse the Department for
3 its expenses in collecting and administering the fee; and
4 (b) Require the distribution of the remaining amount of the
5 proceeds of the fee to the county at such a time and in such a
6 manner as the parties determine, which must be not less
7 frequently than once each calendar quarter.
- 8 2. Any ordinance amending an ordinance adopted pursuant
9 to section 3 of this act must include a provision in substance that
10 the county shall amend the contract made pursuant to subsection
11 1 by a contract made between the county and the Department,
12 before the effective date of the amendatory ordinance, unless the
13 county determines with the written concurrence of the Department
14 that no such amendment of the contract is necessary or desirable.
- 15 Sec. 5. 1. A board of county commissioners that adopts an
16 ordinance imposing a fee pursuant to section 3 of this act shall
17 create a stadium authority to operate the minor league baseball
18 stadium project. The stadium authority must consist of:
- 19 (a) One member of the board of county commissioners
20 appointed by the board;
- 21 (b) One member from the governing body of each city in the
22 county whose population is 60,000 or more, appointed by that
23 governing body; and
- 24 (c) If the stadium authority enters into an agreement with an
25 AA or AAA minor league baseball team pursuant to which the
26 team agrees to play its home games in the stadium, two persons
27 appointed by the owner of the team.
- 28 2. The members of the stadium authority serve at the pleasure
29 of the governmental entity or person who appointed them to serve
30 in that capacity.
- 31 3. The stadium authority shall:
- 32 (a) Be responsible for the normal operations of the minor
33 league baseball stadium project; and
- 34 (b) Enter into an agreement with the board of county
35 commissioners that sets forth the specific rights, obligations and
36 duties of the stadium authority regarding those operations.
- 37 Sec. 6. "Minor league baseball stadium project" means a
38 baseball stadium which can be used for the home games of an AA
39 or AAA minor league professional baseball team and for other
40 purposes, including structures, buildings and other improvements
41 and equipment therefor, parking facilities, and all other
42 appurtenances necessary, useful or desirable for a minor league
43 baseball stadium, including, without limitation, all types of
44 property therefor.



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1 **Sec. 7. 1.** *A board that has adopted an ordinance imposing*
2 *a fee pursuant to section 3 of this act may, on behalf of the county*
3 *and in its name:*

4 *(a) Acquire, improve, equip, operate and maintain within the*
5 *county a minor league baseball stadium project.*

6 *(b) Subject to the provisions of chapter 350 of NRS, issue*
7 *revenue bonds of the county to acquire, improve or equip, or any*
8 *combination thereof, within the county a minor league baseball*
9 *stadium project.*

10 **2.** *Bonds issued pursuant to this section must be payable from*
11 *the proceeds of the fee imposed by the county pursuant to section 3*
12 *of this act and may be additionally secured by and payable from*
13 *the gross or net revenues of the minor league baseball stadium*
14 *project, including, without limitation, amounts received from any*
15 *minor league baseball team pursuant to a contract with that team,*
16 *fees, rates and charges for the use of the stadium by a minor*
17 *league baseball team or any other uses of the stadium, and related*
18 *uses, including, without limitation, parking and concessions,*
19 *surcharges on tickets in an amount approved by the board, grants,*
20 *whether conditional or unconditional, made for the payment of*
21 *debt service or otherwise for the purposes of the minor league*
22 *baseball stadium project, and any and all other sources of revenue*
23 *attributable to the minor league baseball stadium project as*
24 *provided by the board in the ordinance authorizing the issuance of*
25 *bonds or any instrument supplemental or appertaining thereto.*

26 **Sec. 8.** NRS 244A.011 is hereby amended to read as follows:

27 244A.011 NRS 244A.011 to 244A.065, inclusive, *and sections*
28 *6 and 7 of this act* shall be known as the County Bond Law.

29 **Sec. 9.** NRS 244A.013 is hereby amended to read as follows:

30 244A.013 Except where the context otherwise requires, the
31 definitions in NRS 244A.015 to 244A.056, inclusive, *and section 6*
32 *of this act* govern the construction hereof.

33 **Sec. 10.** NRS 244A.063 is hereby amended to read as follows:

34 244A.063 In order to insure the payment, wholly or in part, of
35 the general obligation bonds *or revenue bonds* of the county the
36 payment of which bonds is additionally secured by a pledge of the
37 revenues derived from any such income-producing project and from
38 any such excise taxes, the board may establish and maintain, and the
39 board may from time to time revise, a schedule or schedules of fees,
40 rates and charges for services or facilities, or both services and
41 facilities, rendered by or through the project, within the corporate
42 limits of the county, and a schedule or schedules of license or other
43 excise taxes, in an amount sufficient for that purpose and also
44 sufficient to discharge any covenant in the proceedings of the board



1 authorizing the issuance of any of such bonds, including any
2 covenant for the establishment of reasonable reserve funds.

3 **Sec. 11.** NRS 360.417 is hereby amended to read as follows:

4 360.417 Except as otherwise provided in NRS 360.232 and
5 360.320, and unless a different penalty or rate of interest is
6 specifically provided by statute, any person who fails to pay any tax
7 provided for in chapter 362, 364A, 369, 370, 372, 374, 377, 377A,
8 444A or 585 of NRS, or ~~the~~ **any** fee provided for in NRS 482.313,
9 to the State or a county within the time required, shall pay a penalty
10 of not more than 10 percent of the amount of the tax or fee which is
11 owed, as determined by the Department, in addition to the tax or fee,
12 plus interest at the rate of 1 percent per month, or fraction of a
13 month, from the last day of the month following the period for
14 which the amount or any portion of the amount should have been
15 reported until the date of payment. The amount of any penalty
16 imposed must be based on a graduated schedule adopted by the
17 Nevada Tax Commission which takes into consideration the length
18 of time the tax or fee remained unpaid.

19 **Sec. 12.** NRS 482.313 is hereby amended to read as follows:

20 482.313 1. Upon the lease of a passenger car by a short-term
21 lessor in this state, the short-term lessor:

22 (a) Shall charge and collect from the short-term lessee ~~the~~ :

23 **(1) A** governmental services fee of 6 percent of the total
24 amount for which the passenger car was leased, excluding any taxes
25 or other fees imposed by a governmental entity ~~the~~ ; and

26 **(2) Any fee required pursuant to section 3 of this act; and**

27 (b) May charge and collect from the short-term lessee a recovery
28 surcharge not to exceed 3.5 percent of the total amount for which
29 the passenger car was leased, excluding any taxes or other fees
30 imposed by a governmental entity, as reimbursement for vehicle
31 licensing fees and taxes paid by the short-term lessor.

32 The amount of any fee charged pursuant to this subsection must be
33 indicated in the lease agreement.

34 2. The ~~governmental services~~ fees due from a short-term
35 lessor to the Department of Taxation pursuant to ~~this~~ subsection **1**
36 are due on the last day of each calendar quarter. On or before the
37 last day of the month following each calendar quarter, the short-term
38 lessor shall:

39 (a) File with the Department of Taxation and the Department of
40 Motor Vehicles, on a form prescribed by the Department of
41 Taxation, a report indicating the total amount of:

42 **(1) ~~Governmental services~~ Each of the** fees collected by
43 the short-term lessor during the immediately preceding calendar
44 quarter pursuant to this section; and



1 (2) Vehicle licensing fees and taxes paid by the short-term
2 lessor during the immediately preceding calendar quarter pursuant
3 to this chapter.

4 (b) Remit to the Department of Taxation the ~~{governmental~~
5 ~~services}~~ fees collected by the short-term lessor pursuant to
6 paragraph (a) of subsection 1 during the immediately preceding
7 calendar quarter.

8 3. ~~{The}~~ *Except as otherwise provided in a contract made*
9 *pursuant to section 4 of this act, the* Department of Taxation shall
10 deposit all money received from short-term lessors pursuant to the
11 provisions of this section with the State Treasurer for credit to the
12 State General Fund.

13 4. To ensure compliance with this section, the Department of
14 Taxation may audit the records of a short-term lessor.

15 5. The provisions of this section do not limit or affect the
16 payment of any taxes or fees imposed pursuant to the provisions of
17 this chapter.

18 6. The Department of Motor Vehicles shall, upon request,
19 provide to the Department of Taxation any information in its records
20 relating to a short-term lessor that the Department of Taxation
21 considers necessary to collect the ~~{fee required by this section.}~~ *fees*
22 *described in subsection 1.*

23 7. As used in this section, “vehicle licensing fees and taxes”
24 means:

25 (a) The fees paid by a short-term lessor for the registration of,
26 and the issuance of certificates of title for, the passenger cars leased
27 by him; and

28 (b) The basic and supplemental governmental services taxes
29 paid by the short-term lessor with regard to those passenger cars.

30 **Sec. 13.** The authorization to impose a fee pursuant to section
31 3 of this act expires by limitation on June 30 of the later of the fiscal
32 year that is 30 years after the fiscal year in which the ordinance
33 imposing the fee is adopted or the fiscal year in which all bonds
34 issued pursuant to section 7 of this act, including, without limitation,
35 any bonds issued to refund bonds issued pursuant to section 7 of this
36 act, are fully paid as to all principal, interest and any other amounts
37 due.

38 **Sec. 14.** This act becomes effective upon passage and
39 approval.

