

Amendment No. 1192

Assembly Amendment to Senate Bill No. 306 Third Reprint (BDR 21-1286)

Proposed by: Committee on Ways and Means**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 8, page 2 , by deleting lines 34 though 38 and inserting:

“(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.”.

Amend sec. 8, page 3, between lines 21 and 22, by inserting:

“4. The governing body of a municipality shall not, after October 1, 2009, create a tourism improvement district that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS.”.

Amend sec. 9, page 3, by deleting lines 35 through 43 and inserting:

“2. The governing body has made a written finding at a public hearing that the project will benefit the district.

SJC/BJE

Date: 6/5/2005

S.B. No. 306—Authorizes pledge of certain sales and use tax proceeds and state funding for certain projects for promotion of economic development and tourism.



3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to both the governing body and the board of trustees of the school district in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:”.

Amend sec. 9, page 4 , by deleting lines 16 through 44 and inserting:

“4. The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to section 8 of this act on the provision of local governmental services, including education.

↪ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to section 8 of this act, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to section 12 of this act.

5. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:”.

Amend sec. 10, page 6, by deleting lines 16 through 28 and inserting:

“Sec. 10. Any determination, written finding or approval made pursuant to section 9 of this act is conclusive in the absence of fraud or gross abuse of discretion.”.

Amend sec. 12, page 7, by deleting lines 9 through 12 and inserting:

“(a) The governing body has made a written finding pursuant to subsection 3 of section 9 of this act that the project and the use of any money pledged pursuant to section 8 of this act will not have a positive fiscal effect on the provision of local governmental services; or”.

Amend sec. 14, pages 8 and 9, by deleting lines 36 through 44 on page 8 and lines 1 through 9 on page 9, and inserting:

“Sec. 14. 1. Except as otherwise provided in this section, notwithstanding any other law to the contrary, any contract or other agreement relating to or providing for the construction, improvement, repair, demolition, reconstruction, other acquisition, equipment, operation or maintenance of any project financed in whole or in part pursuant to this chapter is exempt from any law requiring competitive bidding or otherwise specifying procedures for the award of contracts for construction or other contracts, or specifying procedures for the procurement of goods or services. The governing body of the municipality shall require a quarterly report on the demography of the workers employed by any contractor or subcontractor for each such project.

2. The provisions of subsection 1 do not apply to any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(a) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of section 13 of this act; or

(b) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of section 13 of this act,

↪ regardless of whether the project is publicly or privately owned.”.

Amend sec. 15, pages 9 and 10, by deleting lines 43 through 45 on page 9 and lines 1 and 2 on page 10, and inserting:

“~~1;~~

~~—(b) Except as otherwise provided in subsection 3, the board of county commissioners of each county in which the improvement district is located]~~

(b) The governing body determines, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:”.

Amend sec. 15, page 11, by deleting lines 17 through 33 and inserting:

“~~[3.]~~ **4.** Any determination or approval made pursuant to subsection ~~[2]~~ **3** is conclusive in the absence of fraud or gross abuse of discretion. ~~[If an improvement district is created by a municipality that is not a county and the board of county commissioners refuses to make the determinations required by paragraph (b) of subsection 2, the governing body of the municipality may request the Commission on Tourism to make those determinations. The Commission on Tourism shall make those determinations if a majority of the members of the Commission on Tourism agree that the~~

~~refusal was unreasonable. If those determinations are made by the Commission on Tourism pursuant to this subsection, those determinations shall be deemed to be as conclusive as determinations made by the board of county commissioners pursuant to paragraph (b) of subsection 2, and to satisfy the requirements of that paragraph.~~

—4.] 5. As used in this section, “retailer” has the meaning ascribed to it in NRS 374.060.”.

Amend sec. 17, page 13, by deleting lines 31 through 34 and inserting:

“(b) Approved by the governing body, Commission on Tourism and Governor in the manner required to satisfy the requirements of subsections 5, 6 and 7 of section 9 of this act,”.

Amend the title of the bill, fourth line, after “tourism;” by inserting:

“revising certain prerequisites to the pledge of certain sales and use tax proceeds and state funding for certain projects within a local improvement district;”.