

## Amendment No. 1209

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

**Proposed by:** Assemblywoman Giunchigliani**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No 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. 6, page 2, by deleting lines 14 through 29 and inserting:

**“Sec. 6. “Project” means:****1. With respect to a county whose population is 400,000 or more:****(a) An art project, as defined in NRS 271.037;****(b) A tourism and entertainment project, as defined in NRS 271.234; or**

**(c) A sports stadium which can be used for the home games of a Major League Baseball or National Football League team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a Major League Baseball or National Football League stadium, including, without limitation, all types of property therefor and immediately adjacent facilities for retail sales, dining and entertainment.**

HC/EGO

Date: 6/6/2005

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.



*2. With respect to a city in a county whose population is 400,000 or more:*

*(a) A project described in paragraph (a), (b) or (c) of subsection 1; or*

*(b) A recreational project, as defined in NRS 268.710.*

*3. With respect to a municipality other than a municipality described in subsection 1 or 2, any project that the municipality is authorized to acquire, improve, equip, operate and maintain pursuant to subsections 1, 2 and 4 to 10, inclusive, of NRS 244A.057 or NRS 268.730 or 271.265, as applicable.*

*4. Any real or personal property suitable for retail, tourism or entertainment purposes.*

*5. Any real or personal property necessary, useful or desirable in connection with any of the projects set forth in this section.*

*6. Any combination of the projects set forth in this section.”.*

Amend sec. 9, pages 3 through 6, by deleting lines 36 through 45 on page 3, lines 1 through 45 on page 4, lines 1 through 45 on page 5 and lines 1 through 26 on page 6, and inserting:

*“Sec. 9. The governing body of a municipality shall not adopt an ordinance pursuant to section 8 of this act unless:*

*1. If the ordinance:*

*(a) Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or*

*(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business*

*within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.*

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

*3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body, to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism district is or will be located, and to 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:*

*(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;*

*(b) The use of any money proposed to be pledged pursuant to section 8 of this act;*

*(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and*

*(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.*

*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. If the governing body is not the board of county commissioners for the county in which the tourism district is or will be located, the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county 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.*

*↪ 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 county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, 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 may 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.*

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

*(a) As a result of the project:*

*(1) Retailers will locate their businesses as such in the district; and*

*(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and*

*(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.*

*7. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in*

*the proceeds from sales and use taxes identified pursuant to subsection 6 will be attributable to transactions with tourists who are not residents of this State.*

*8. The Governor has determined that the project and the use of any money proposed to be pledged pursuant to section 8 of this act will contribute significantly to economic development and tourism in this State. Before making that determination, the Governor:*

*(a) Must consider the fiscal effects of the pledge of money on educational funding, including any fiscal effects described in comments provided pursuant to subsection 4 by the school district in which the tourism improvement district is or will be located, and for that purpose may require the Department of Education or the Department of Taxation, or both, to provide him with an appropriate fiscal report; and*

*(b) If the Governor determines that the pledge of money will have a substantial adverse fiscal effect on educational funding, may require a commitment from the municipality for the provision of specified payments to the school district in which the tourism improvement district is or will be located during the term of the use of any money pledged pursuant to section 8 this act. The payments may be provided pursuant to agreements with owners of property within the district authorized by section 12 of this act or from sources other than the owners of property within the district. Such a commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to section 8 of this act.*

*9. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has*

*been pledged pursuant to NRS 271.650, all the governing bodies which created those districts have entered into an interlocal agreement providing for:*

*(a) The apportionment of any money pledged pursuant to section 8 of this act and NRS 271.650 with respect to such property; and*

*(b) The priority of the application of that money between:*

*(1) Bonds issued pursuant to chapter 271 of NRS; and*

*(2) Bonds and notes issued, and agreements entered into, pursuant to section 13 of this act.*

*↪ Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to section 13 of this act to which all or any portion of that money is pledged.”.*

Amend sec. 17, pages 13 and 14, by deleting lines 42 through 44 on page 13 and lines 1 through 4 on page 14, and inserting:

*“(b) Approved by the governing body, Commission on Tourism and Governor in the manner required to satisfy the requirements of subsections 6, 7 and 8 of section 9 of this act,*

*↪ and after the provision of notice to and an opportunity to make comments by the board of trustees of the school district in which the tourism improvement district is located in accordance with subsection 4 of section 9 of this act and, if applicable, by the board of county commissioners of the county in which the tourism improvement district is located in accordance with subsection 5 of section 9 of this act.”.*