

SENATE BILL NO. 170—SENATOR MCGINNESS

MARCH 9, 2005

Referred to Committee on Taxation

SUMMARY—Authorizes certain smaller counties to impose additional local sales and use tax under certain circumstances. (BDR 32-853)

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 local governmental finances; authorizing certain smaller counties to impose an additional local sales and use tax for certain purposes under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the boards of county commissioners of certain counties to enact ordinances imposing certain local sales and use taxes for purposes such as the promotion of tourism, the support of public transit and the operation and maintenance of a county swimming pool. (NRS 377A.020) A board may not enact such an ordinance unless a question concerning the imposition of the tax is approved by a majority of the registered voters of the county voting on the question at a general election. The ordinance must also include certain provisions, including provisions substantially identical to those required by law for the Local School Support Tax, insofar as applicable. (NRS 377A.030)

This bill specifically authorizes the board of county commissioners of a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to enact such an ordinance to impose a local sales and use tax at the rate of not more than one-quarter of 1 percent to acquire, develop, construct, equip, operate, maintain, improve and manage libraries, parks, recreational programs and facilities, and facilities and services for senior citizens, or for any combination of those purposes. The duration of the levy of such a tax must not exceed 30 years. To enact such an ordinance, the board must submit the ordinance for approval of the registered voters of the county in the same manner as other ordinances proposing local sales and use taxes. This bill further authorizes the board of county commissioners in such a county to issue general and special



22 obligations of the county for the same purposes for which the tax is imposed, and to
23 pledge the receipts of the tax to secure those obligations.

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

1 **Section 1.** Chapter 377A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 11, inclusive,
3 of this act.

4 **Sec. 2.** *“Facility for senior citizens” means real and personal*
5 *property and improvements to real property that are designed to*
6 *meet the recreational, cultural, leisure or nutritional needs of*
7 *senior citizens, or any combination thereof, and all appurtenances*
8 *or customary facilities and uses associated therewith.*

9 **Sec. 3.** *“Library” means:*

10 1. *A county library established, operated and maintained by*
11 *the county pursuant to NRS 379.010; and*

12 2. *A district library established, operated and maintained by*
13 *the county pursuant to NRS 379.021.*

14 **Sec. 4.** *“Park” means real property and any improvements*
15 *made thereon that are designed to serve the cultural, leisure,*
16 *recreational and outdoor needs of natural persons.*

17 **Sec. 5.** *“Recreational facility” means real and personal*
18 *property and improvements to real property for athletic, cultural*
19 *and leisure activities and all appurtenances or customary facilities*
20 *and uses associated therewith.*

21 **Sec. 6.** *“Recreational program” means a program that is*
22 *designed to provide athletic, cultural or leisure activities to*
23 *members of the general public.*

24 **Sec. 7.** *“Senior citizen” means a person who:*

25 1. *Is 65 years of age or older; or*

26 2. *Has a physical or mental limitation that restricts his ability*
27 *to provide for his recreational, cultural, leisure or nutritional*
28 *needs.*

29 **Sec. 8.** *“Services for senior citizens” means services that are*
30 *designed to meet the recreational, cultural, leisure or nutritional*
31 *needs of senior citizens.*

32 **Sec. 9.** 1. *In any county in which a tax has been imposed*
33 *pursuant to paragraph (d) of subsection 1 of NRS 377A.020, the*
34 *county treasurer shall deposit the money that is attributable to the*
35 *imposition of the tax and which is received from the State*
36 *Controller pursuant to NRS 377A.050 for credit to a fund to be*
37 *known as the support fund for libraries, parks, recreation and*
38 *senior citizens.*



1 2. *The support fund for libraries, parks, recreation and senior*
2 *citizens must be accounted for as a separate fund and not as a part*
3 *of any other fund.*

4 **Sec. 10.** *1. Money to acquire, develop, construct, equip,*
5 *operate, maintain, improve and manage libraries, parks,*
6 *recreational programs and facilities, and facilities and services for*
7 *senior citizens, or for any combination of those purposes may be*
8 *obtained, as the board may determine:*

9 (a) *By the issuance of bonds and other securities as provided*
10 *in subsection 2, subject to any pledges, liens and other contractual*
11 *limitations made pursuant to this chapter;*

12 (b) *By direct distribution from the support fund for libraries,*
13 *parks, recreation and senior citizens; or*

14 (c) *By both the issuance of such securities and by direct*
15 *distribution.*

16 2. *The board may, after the enactment of an ordinance*
17 *authorized by paragraph (d) of subsection 1 of NRS 377A.020,*
18 *from time to time issue bonds and other securities, which are*
19 *general or special obligations of the county and which may be*
20 *secured as to principal and interest by a pledge authorized by this*
21 *chapter of the receipts from the tax imposed by that ordinance.*

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

24 **Sec. 11.** *The board shall not repeal or amend or otherwise*
25 *directly or indirectly modify an ordinance enacted pursuant to*
26 *paragraph (d) of subsection 1 of NRS 377A.020 in such a manner*
27 *as to impair an outstanding bond issued pursuant to this chapter,*
28 *or other obligations incurred pursuant to this chapter, until all*
29 *obligations for which revenue from the ordinance have been*
30 *pledged or otherwise made payable from such revenues pursuant*
31 *to this chapter have been discharged in full or provision for full*
32 *payment and redemption has been made.*

33 **Sec. 12.** NRS 377A.010 is hereby amended to read as follows:

34 377A.010 As used in this chapter, unless the context otherwise
35 requires, the words and terms defined in NRS 377A.012, 377A.014
36 and 377A.016 *and sections 2 to 8, inclusive, of this act* have the
37 meanings ascribed to them in those sections.

38 **Sec. 13.** NRS 377A.020 is hereby amended to read as follows:

39 377A.020 1. The board of county commissioners of:

40 (a) Any county may enact an ordinance imposing a tax for a
41 public transit system, for the construction, maintenance and repair of
42 public roads, for the improvement of air quality or for any
43 combination of those purposes pursuant to NRS 377A.030.



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

(c) Any county whose population is less than 15,000 may enact an ordinance imposing a tax to support the operation and maintenance of a county swimming pool pursuant to NRS 377A.030.

(d) Any county whose population is less than 100,000 may enact an ordinance imposing a tax to acquire, develop, construct, equip, operate, maintain, improve and manage libraries, parks, recreational programs and facilities, and facilities and services for senior citizens, or for any combination of those purposes pursuant to NRS 377A.030. The duration of the levy of a tax imposed pursuant to this paragraph must not exceed 30 years.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a majority of the registered voters of the county voting upon the question which the board may submit to the voters at any general election. A county may combine ~~[the questions for a public transit system, for the construction, maintenance and repair of public roads and for the improvement of air quality]~~ *a question concerning the imposition of a tax described in subsection 1* with questions submitted pursuant to NRS 244.3351, 278.710 or 371.045, or any combination thereof. The board shall also submit to the voters at a general election any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax.

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

Sec. 14. NRS 377A.020 is hereby amended to read as follows:

377A.020 1. The board of county commissioners of:

(a) Any county may enact an ordinance imposing a tax for a public transit system, for the construction, maintenance and repair of public roads, for the improvement of air quality or for any combination of those purposes pursuant to NRS 377A.030.

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

(c) Any county whose population is less than 15,000 may enact an ordinance imposing a tax to support the operation and maintenance of a county swimming pool pursuant to NRS 377A.030.



1 (d) *Any county whose population is less than 100,000 may*
2 *enact an ordinance imposing a tax to acquire, develop, construct,*
3 *equip, operate, maintain, improve and manage libraries, parks,*
4 *recreational programs and facilities, and facilities and services for*
5 *senior citizens, or for any combination of those purposes pursuant*
6 *to NRS 377A.030. The duration of the levy of a tax imposed*
7 *pursuant to this paragraph must not exceed 30 years.*

8 2. An ordinance enacted pursuant to this chapter may not
9 become effective before a question concerning the imposition of the
10 tax is approved by a majority of the registered voters of the county
11 voting upon the question which the board may submit to the voters
12 at any general election. A county may combine ~~[the questions for a~~
13 ~~public transit system, for the construction, maintenance and repair of~~
14 ~~public roads and for the improvement of air quality]~~ *a question*
15 *concerning the imposition of a tax described in subsection 1* with
16 questions submitted pursuant to NRS 244.3351, 278.710 or 371.045,
17 or any combination thereof. The board shall also submit to the
18 voters at a general election any proposal to increase the rate of
19 the tax or change the previously approved uses for the proceeds of
20 the tax.

21 3. Any ordinance enacted pursuant to this section must specify
22 the date on which the tax must first be imposed or on which an
23 increase in the rate of the tax becomes effective, which must be the
24 first day of the first calendar quarter that begins at least 120 days
25 after the approval of the question by the voters.

26 **Sec. 15.** NRS 377A.030 is hereby amended to read as follows:

27 377A.030 Except as otherwise provided in NRS 377A.110, any
28 ordinance enacted under this chapter must include provisions in
29 substance as follows:

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

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

33 (b) For a tax to establish and maintain a public transit system,
34 for the construction, maintenance and repair of public roads, for the
35 improvement of air quality or for any combination of those
36 purposes, one-half of 1 percent; ~~for~~

37 (c) For a tax to support the operation and maintenance of a
38 county swimming pool, one-quarter of 1 *percent; or*

39 (d) *For a tax to acquire, develop, construct, equip, operate,*
40 *maintain, improve and manage libraries, parks, recreational*
41 *programs and facilities, and facilities and services for senior*
42 *citizens, or for any combination of those purposes, one-quarter of*
43 *1 percent,*



1 ➤ of the gross receipts of any retailer from the sale of all tangible
2 personal property sold at retail, or stored, used or otherwise
3 consumed, in a county.

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

6 3. A provision that all amendments to chapter 374 of NRS after
7 the date of enactment of the ordinance, not inconsistent with this
8 chapter, automatically become a part of the ordinance.

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

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

23 **Sec. 16.** NRS 377A.030 is hereby amended to read as follows:

24 377A.030 Except as otherwise provided in NRS 377A.110, any
25 ordinance enacted under this chapter must include provisions in
26 substance as follows:

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

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

30 (b) For a tax to establish and maintain a public transit system,
31 for the construction, maintenance and repair of public roads, for the
32 improvement of air quality or for any combination of those
33 purposes, one-half of 1 percent; ~~for~~

34 (c) For a tax to support the operation and maintenance of a
35 county swimming pool, one-quarter of 1 *percent; or*

36 *(d) For a tax to acquire, develop, construct, equip, operate,*
37 *maintain, improve and manage libraries, parks, recreational*
38 *programs and facilities, and facilities and services for senior*
39 *citizens, or for any combination of those purposes, one-quarter of*
40 *1 percent,*

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

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



1 3. A provision that all amendments to chapter 374 of NRS after
2 the date of enactment of the ordinance, not inconsistent with this
3 chapter, automatically become a part of the ordinance.

4 4. A provision that the county shall contract before the
5 effective date of the ordinance with the Department to perform all
6 functions incident to the administration or operation of the tax in the
7 county.

8 5. A provision that a purchaser is entitled to a refund, in
9 accordance with the provisions of NRS 374.635 to 374.720,
10 inclusive, of the amount of the tax required to be paid that is
11 attributable to the tax imposed upon the sale of, and the storage, use
12 or other consumption in a county of, tangible personal property used
13 for the performance of a written contract for the construction of an
14 improvement to real property, entered into on or before the effective
15 date of the tax or the increase in the tax, or for which a binding bid
16 was submitted before that date if the bid was afterward accepted, if
17 under the terms of the contract or bid the contract price or bid
18 amount cannot be adjusted to reflect the imposition of the tax or the
19 increase in the tax.

20 **Sec. 17.** NRS 377A.040 is hereby amended to read as follows:

21 377A.040 Any ordinance amending the taxing ordinance must
22 include a provision in substance that the county shall amend the
23 contract made under subsection 4 of NRS 377A.030 by a contract
24 made between the county and the State acting by and through the
25 Department before the effective date of the amendatory ordinance,
26 unless the county determines with the written concurrence of the
27 regional transportation commission, in the case of a tax imposed
28 pursuant to paragraph (b) of subsection 1 of NRS 377A.030, or the
29 county fair and recreation board, in the case of a tax imposed
30 pursuant to paragraph (a) of subsection 1 of NRS 377A.030, that no
31 such amendment of the contract is necessary or desirable. Consent
32 of another body is not required for the county to determine that no
33 such amendment of the contract is necessary or desirable in the case
34 of a tax imposed pursuant to paragraph (c) *or (d)* of subsection 1 of
35 NRS 377A.030.

36 **Sec. 18.** NRS 377A.100 is hereby amended to read as follows:

37 377A.100 1. Each ordinance providing for the issuance of
38 any bond or security issued under this chapter payable from the
39 receipts of the tax imposed pursuant to paragraph (b) of subsection 1
40 of NRS 377A.030 may, in addition to covenants and other
41 provisions authorized in the Local Government Securities Law,
42 contain a covenant or other provision to pledge and create a lien
43 upon the receipts of the tax or upon the proceeds of any bond or
44 security pending their application to defray the cost of establishing
45 or operating a public transit system, constructing, maintaining or



1 repairing public roads or improving air quality, or both tax proceeds
2 and security proceeds, to secure the payment of any bond or security
3 issued under this chapter.

4 2. *Each ordinance providing for the issuance of any bond or*
5 *security issued under this chapter payable from the receipts of the*
6 *tax imposed pursuant to paragraph (d) of subsection 1 of NRS*
7 *377A.030 may, in addition to covenants and other provisions*
8 *authorized in the Local Government Securities Law, contain a*
9 *covenant or other provision to pledge and create a lien upon:*

10 (a) *The receipts of the tax;*

11 (b) *The proceeds of any bond or security pending their*
12 *application to defray the cost of acquiring, developing,*
13 *constructing, equipping, operating, maintaining, improving and*
14 *managing libraries, parks, recreational programs and facilities,*
15 *and facilities and services for senior citizens, or for any*
16 *combination of those purposes; or*

17 (c) *Both tax proceeds and security proceeds,*
18 *↪ to secure the payment of any bond or security issued under this*
19 *chapter.*

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

24 **Sec. 19.** 1. This section and sections 1 to 13, inclusive, 15,
25 17 and 18 of this act become effective on October 1, 2005.

26 2. Sections 13 and 15 of this act expire by limitation on
27 December 31, 2005.

28 3. Sections 14 and 16 of this act become effective on
29 January 1, 2006.

