

SENATE BILL NO. 203—SENATOR WASHINGTON

MARCH 5, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning local financial administration. (BDR 20-711)

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 financial administration; revising provisions concerning the proceeds of the fee authorized to be imposed in certain counties to pay for certain baseball stadium projects in certain circumstances; extending the dates for the reversion of certain money previously transferred and appropriated to the Interim Finance Committee to be allocated for Truckee River improvement related projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the board of county commissioners of a county whose
2 population is 100,000 or more but less than 400,000 (currently Washoe County)
3 may impose a fee upon the rental of passenger vehicles and issue revenue bonds of
4 the county to acquire, improve, equip, operate and maintain a minor league baseball
5 stadium project to be used for the home games of a Double-A or Triple-A affiliate
6 of a Major League Baseball team. (NRS 244A.0344, 244A.058, 244A.800,
7 244A.830) **Section 9.5** of this bill requires such a board of county commissioners to
8 determine whether certain criteria for the minor league baseball stadium project
9 have been met by October 1, 2007, and make a finding if all the criteria have been
10 met. If the criteria have not been met by October 1, 2007, **sections 1-6** of this bill
11 allow the proceeds of the applicable fees on the rental of passenger vehicles and
12 related revenue bonds to be used to acquire, improve, equip, operate and maintain
13 any project that has been approved by the Legislature, if the Legislature is in
14 session, or by the Interim Finance Committee, if the Legislature is not in session.
15 Such a project may include the acquisition, improvement, equipment, operation and
16 maintenance of a baseball stadium that can be used for the home games of any
17 professional baseball team, and for certain other purposes, regardless of whether the
18 professional baseball team is affiliated with a Major League Baseball team.



For the 2005-2007 biennium, \$650,000 was transferred from the Fund for the Promotion of Tourism to the Interim Finance Committee for allocation to the Reno-Sparks Convention and Visitors Authority to carry out a maximum of four projects relating to the improvement of the Truckee River. (Section 5 of chapter 454, Statutes of Nevada 2005, p. 2088) For the same biennium, \$600,000 was appropriated from the State General Fund to the Interim Finance Committee for allocation to the Reno-Sparks Convention and Visitors Authority for the same purpose. (Section 32 of chapter 7, Statutes of Nevada 2005, 22nd Special Session, p. 120) **Sections 7 and 8** of this bill extend the dates by which the remaining balance of this money reverts to the applicable Funds by 2 years.

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

Section 1. Chapter 244A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board that has adopted an ordinance imposing a fee pursuant to NRS 244A.810 may, on behalf of the county and in its name:

(a) Acquire, improve, equip, operate and maintain within the county a project that has been approved by the Legislature, if the Legislature is in session, or the Interim Finance Committee, if the Legislature is not in session.

(b) Subject to the provisions of chapter 350 of NRS, issue revenue bonds of the county to acquire, improve or equip, or any combination thereof, the project described in paragraph (a).

2. Bonds issued pursuant to this section must be payable from the proceeds of the fee imposed by the county pursuant to NRS 244A.810 and may be additionally secured by and payable from the gross or net revenues of the project as provided by the board in the ordinance authorizing the issuance of bonds or any instrument supplemental or appertaining thereto.

Sec. 1.5. NRS 244A.011 is hereby amended to read as follows:

244A.011 NRS 244A.011 to 244A.065, inclusive, *and section 1 of this act* shall be known as the County Bond Law.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 244A.0344 is hereby amended to read as follows:

244A.0344 ~~["Minor league"]~~ *"Professional* baseball stadium project" means a baseball stadium which can be used for the home games of ~~[an AA or AAA minor league]~~ *a* professional baseball 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 ~~minor~~



1 ~~league~~ *professional* baseball stadium, including, without limitation,
2 all types of property therefor.

3 **Sec. 3.** NRS 244A.058 is hereby amended to read as follows:

4 244A.058 1. A board ~~[that has adopted an ordinance~~
5 ~~imposing a fee pursuant to NRS 244A.810]~~ *in a county whose*
6 *population is 100,000 or more but less than 400,000* may, on
7 behalf of the county and in its name:

8 (a) Acquire, improve, equip, operate and maintain within the
9 county a ~~[minor league]~~ *professional* baseball stadium project.

10 (b) Subject to the provisions of chapter 350 of NRS, issue
11 revenue bonds of the county to acquire, improve or equip, or any
12 combination thereof, within the county a ~~[minor league]~~
13 *professional* baseball stadium project.

14 2. Bonds issued pursuant to this section must be ~~[payable from~~
15 ~~the proceeds of the fee imposed by the county pursuant to NRS~~
16 ~~244A.810 and may be additionally]~~ secured by and payable from the
17 gross or net revenues of the ~~[minor league]~~ *professional* baseball
18 stadium project, including, without limitation, amounts received
19 from any ~~[minor league]~~ *professional* baseball team pursuant to a
20 contract with that team, fees, rates and charges for the use of the
21 stadium by a ~~[minor league]~~ *professional* baseball team or any other
22 uses of the stadium, and related uses, including, without limitation,
23 parking and concessions, surcharges on tickets in an amount
24 approved by the board, grants, whether conditional or unconditional,
25 made for the payment of debt service or otherwise for the purposes
26 of the ~~[minor league]~~ *professional* baseball stadium project, and any
27 and all other sources of revenue attributable to the ~~[minor league]~~
28 *professional* baseball stadium project as provided by the board in
29 the ordinance authorizing the issuance of bonds or any instrument
30 supplemental or appertaining thereto.

31 **Sec. 4.** NRS 244A.800 is hereby amended to read as follows:

32 244A.800 As used in NRS 244A.800 to 244A.830, inclusive:

33 1. "Department" means the Department of Taxation.

34 2. ~~["Minor league"]~~ *"Professional"* baseball stadium project" has
35 the meaning ascribed to it in NRS 244A.0344.

36 **Sec. 5.** NRS 244A.810 is hereby amended to read as follows:

37 244A.810 1. Except as otherwise provided in subsection 2,
38 the board of county commissioners of a county whose population is
39 100,000 or more but less than 400,000 may by ordinance impose a
40 fee upon the lease of a passenger car by a short-term lessor in the
41 county in the amount of not more than 2 percent of the total amount
42 for which the passenger car was leased, excluding any taxes or other
43 fees imposed by a governmental entity.



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

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

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

3. Any proceeds of a fee imposed pursuant to this section which are received by a county must be used solely to pay the costs to acquire, improve, equip, operate and maintain within the county a ~~minor league baseball stadium~~ project ~~[.]~~ *that has been approved by the Legislature, if the Legislature is in session, or the Interim Finance Committee, if the Legislature is not in session*, or to pay the principal of, interest on or other payments due with respect to bonds issued to pay such costs, including bonds issued to refund bonds issued to pay such costs, or any combination thereof.

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

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

Sec. 6. NRS 244A.830 is hereby amended to read as follows:

244A.830 1. A board of county commissioners that ~~adopts an ordinance imposing a fee pursuant to NRS 244A.810~~ *acquires, improves, equips, operates and maintains within the county a professional baseball stadium project* shall create a stadium authority to operate the ~~minor league~~ *professional* baseball stadium project. The stadium authority must consist of:

(a) One member of the board of county commissioners appointed by the board;

(b) One member from the governing body of each city in the county whose population is 60,000 or more, appointed by that governing body; and

(c) If the stadium authority enters into an agreement with ~~an AA or AAA minor league~~ *a professional* baseball team pursuant to



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1 which the team agrees to play its home games in the stadium, two
2 persons appointed by the owner of the team.

3 2. The members of the stadium authority serve at the pleasure
4 of the governmental entity or person who appointed them to serve in
5 that capacity.

6 3. The stadium authority shall:

7 (a) Be responsible for the normal operations of the ~~minor~~
8 ~~league~~ professional baseball stadium project; and

9 (b) Enter into an agreement with the board of county
10 commissioners that sets forth the specific rights, obligations and
11 duties of the stadium authority regarding those operations.

12 **Sec. 7.** Section 5 of chapter 454, Statutes of Nevada 2005, at
13 page 2088, is hereby amended to read as follows:

14 Sec. 5. 1. The Commission on Tourism shall, as soon
15 as practicable after July 1, 2005, and July 1, 2006,
16 respectively, without depleting the funds necessary for day-
17 to-day operations, transfer the following amounts from the
18 proceeds from the taxes imposed on the revenue from
19 the rental of transient lodging which have been credited to the
20 Fund for the Promotion of Tourism, created by NRS 231.250,
21 to the Interim Finance Committee:

22 For the Fiscal Year 2005-2006 \$600,000

23 For the Fiscal Year 2006-2007 \$50,000

24 2. The money transferred pursuant to subsection 1 shall
25 be allocated to the Reno-Sparks Convention and Visitors
26 Authority to implement the Truckee River Recreational
27 Master Plan as adopted by the City of Reno, the City of
28 Sparks and Washoe County through a public review process.
29 The money must be used to plan, obtain permits for, design
30 and construct not more than four projects along the Truckee
31 River that would enhance the recreational enjoyment, aquatic
32 habitat and water quality of the Truckee River. The money
33 must be expended on the following projects but is not limited
34 to Rock Park, Pioneer Diversion Dam, Ambrose Park and
35 Idlewild Park.

36 3. The Interim Finance Committee shall allocate the
37 money transferred pursuant to subsection 1 upon notification
38 that the City of Reno, the City of Sparks and Washoe County
39 have committed to expend, in total, an equal amount of
40 money on Truckee River improvement related projects. For
41 the purpose of this section, Truckee River improvement
42 related projects include any public project to improve the
43 Truckee River for watershed protection, watershed
44 restoration, recreation or flood control.



4. Upon acceptance of the money allocated pursuant to subsection 2, the Reno-Sparks Convention and Visitors Authority shall prepare and transmit a report to the Interim Finance Committee on or before December 15, ~~[2006,]~~ 2008, that describes each expenditure made from the money allocated pursuant to subsection 2 from the date on which the money was received by the Reno-Sparks Convention and Visitors Authority through December 1, ~~[2006,]~~ 2008.

5. The Reno-Sparks Convention and Visitors Authority shall not assess an administrative fee or fine upon any local governing bodies relating to compliance with the provisions of subsections 3 and 4.

6. A public review and approval process, as determined by the City of Reno, the City of Sparks and Washoe County, must be completed before the commencement of construction of any project that uses money allocated pursuant to this section. Project design, construction documents and funding processes related to any such project must be approved by each local governing body having jurisdiction over the project. Each such project must conform to the parameters of the Truckee River Flood Control Project and the Truckee River Operating Agreement.

7. Any remaining balance of the sums transferred pursuant to subsection 1 must not be committed for expenditure after June 30, ~~[2007,]~~ 2009, and must be reverted to the Fund for the Promotion of Tourism on or before September ~~[21, 2007,]~~ 18, 2009.

Sec. 8. Section 32 of chapter 7, Statutes of Nevada 2005, 22nd Special Session, at page 120, is hereby amended to read as follows:

Sec. 32. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$600,000 for allocation to the Reno-Sparks Convention and Visitors Authority to implement the Truckee River Recreational Master Plan as adopted by the City of Reno, the City of Sparks and Washoe County through a public review process. The money must be used to plan, obtain permits for, design and construct not more than four projects along the Truckee River that would enhance the recreational enjoyment, aquatic habitat and water quality of the Truckee River. The money must be expended on the following projects but is not limited to Rock Park, Pioneer Diversion Dam, Ambrose Park and Idlewild Park.

2. The Interim Finance Committee shall allocate the money appropriated pursuant to subsection 1 upon notification that the City of Reno, the City of Sparks and



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1 Washoe County have committed to expend, in total, an equal
2 amount of money on Truckee River improvement related
3 projects. For the purpose of this section, Truckee River
4 improvement related projects include any public project to
5 improve the Truckee River for watershed protection,
6 watershed restoration, recreation or flood control.

7 3. Upon acceptance of the money allocated pursuant to
8 subsection 2, the Reno-Sparks Convention and Visitors
9 Authority shall prepare and transmit a report to the Interim
10 Finance Committee on or before December 15, ~~[2006,]~~ 2008,
11 that describes each expenditure made from the money
12 allocated pursuant to subsection 2 from the date on which the
13 money was received by the Reno-Sparks Convention and
14 Visitors Authority through December 1, ~~[2006,]~~ 2008.

15 4. The Reno-Sparks Convention and Visitors Authority
16 shall not assess an administrative fee or fine upon any local
17 governing bodies relating to compliance with the provisions
18 of subsections 2 and 3.

19 5. A public review and approval process, as determined
20 by the City of Reno, the City of Sparks and Washoe County,
21 must be completed before the commencement of construction
22 of any project that uses money allocated pursuant to this
23 section. Project design, construction documents and funding
24 processes related to any such project must be approved by
25 each local governing body having jurisdiction over the
26 project. Each such project must conform to the parameters of
27 the Truckee River Flood Control Project and the Truckee
28 River Operating Agreement.

29 6. Any remaining balance of the sums appropriated
30 pursuant to subsection 1 must not be committed
31 for expenditure after June 30, ~~[2007,]~~ 2009, and must
32 be reverted to the State General Fund on or before
33 September ~~[21, 2007,]~~ 18, 2009.

34 **Sec. 9.** (Deleted by amendment.)

35 **Sec. 9.5.** 1. The board of county commissioners of a county
36 whose population is 100,000 or more but less than 400,000 shall
37 determine whether the following criteria for the minor league
38 baseball stadium project, as defined in NRS 244A.0344, have been
39 met before October 1, 2007:

40 (a) An agreement has been entered into with a minor league
41 baseball team to play its home games at a baseball stadium that will
42 be acquired, improved, equipped, operated and maintained within
43 the county;



(b) If relocation of the minor league baseball team is required, approval for relocation of the team by the relevant league has been obtained;

(c) The site for the minor league baseball stadium has been acquired; and

(d) Any approval required for the construction or improvement of the minor league baseball stadium has been obtained.

2. If the board determines pursuant to subsection 1 that all the criteria set forth in that subsection have been met, the board shall, as soon as practicable, make a finding indicating that all the criteria for the minor league baseball stadium project have been met. Such a finding is conclusive absent fraud or abuse of discretion.

Sec. 10. 1. This section and sections 7, 8 and 9.5 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective on October 1, 2007, if the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 has not made a finding pursuant to section 9.5 of this act.

