

ASSEMBLY BILL NO. 376—ASSEMBLYMEN SMITH, BOBZIEN,  
KIRKPATRICK; CONKLIN, HOGAN AND OCEGUERA

MARCH 21, 2011

JOINT SPONSOR: SENATOR LESLIE

Referred to Committee on Government Affairs

SUMMARY—Makes various changes regarding local governmental  
administration. (BDR 21-148)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 6, 9)  
(REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 administration; authorizing certain local governments to impose a surcharge for the improvement and maintenance of certain publicly owned facilities; making various changes regarding the financing of certain local improvements with revenue pledged from sales and use taxes; providing a procedure for the selection of subcontractors on certain contracts; authorizing the imposition of a surcharge in certain counties on the amount charged for any items or services related to a minor league baseball stadium project; revising provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; requiring certain plans relating to the water reclamation facility of the City of North Las Vegas; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 **Section 1** of this bill authorizes the governing body of a city whose population
- 2 is 220,000 or more in a county whose population is 100,000 or more but less than
- 3 700,000 (currently the City of Reno) to create by ordinance a district to finance



capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment. **Section 1** requires that the ordinance creating such a district impose a surcharge of \$2 on the per night charge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. **Section 1** also provides that the proceeds of the surcharge be used only for the cost of improving and maintaining publicly owned facilities for tourism and entertainment in the district or within 1 mile outside the boundaries of the district, except for a minor league baseball stadium project.

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. The projects may be owned by the municipality, another governmental entity or any person and may be financed through the issuance of bonds or the entry into agreements for the reimbursement of the costs of the projects. (Chapter 271A of NRS) **Section 4** of this bill requires the independent auditing of claims made under agreements to provide such financing. **Section 4** also prohibits the use of such financing, with respect to a TID created on or after July 1, 2011, to pay various fees and costs and for the relocation within the TID of a retailer from another location within 3 miles outside of the boundary of the TID, and excludes the use for such financing of the tax revenue from such a retailer. **Section 8** of this bill prohibits the provision of such financing to certain governmental entities if a nongovernmental entity obtained any of the original financing in the TID, and prohibits such financing, without the consent of the entities which obtained the original financing in the TID, to an entity that did not obtain any of the original financing in the TID. **Section 5** of this bill specifies the procedure required for the selection of subcontractors by contractors and developers who enter into certain construction contracts on financed projects or on property within a TID which benefits from financed infrastructure improvements. **Section 6** of this bill requires a municipality that creates a TID to prepare and submit to the Legislature annual reports regarding the TID, and requires the Department of Taxation to prepare and submit to the Legislature and the municipality semiannual reports regarding businesses within a TID. **Section 9** of this bill applies the prevailing wage provisions applicable to public works to construction contracts for financed projects within a TID to the same extent as if the contracts were awarded by the municipality and the projects constituted public works.

Existing law does not allow the creation of a TID unless the pertinent governing body makes a written finding at a public hearing, based upon reports from independent consultants, as to whether the proposed project and financing will have a positive fiscal effect on the provision of local governmental services. (NRS 271A.080) **Section 7** of this bill requires the selection of those independent consultants from a list provided by the Commission on Tourism.

Existing law authorizes the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) to acquire, lease, improve, equip, operate and maintain within the county a minor league baseball stadium project and to create a stadium authority to operate the project. **Section 10** of this bill authorizes the stadium authority to recommend the imposition of a surcharge on the amount charged for any items or services related to such a project. If the surcharge is approved by a two-thirds majority vote of the governing body of the city in which the project is located, **section 10** provides for the use of the proceeds of the surcharge. **Section 10** also revises the membership of a stadium authority which operates such a project.

Under existing law, the board of trustees of a school district may issue certain general obligation bonds. At the time the bonds are issued, the board of trustees must establish in its debt service fund a reserve account for payment of the outstanding bonds of the school district. (NRS 350.020) **Section 12** of this bill



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changes the amount of the reserves required to 10 percent of the outstanding principal or 25 percent, for larger counties, and 50 percent, for smaller counties, of the amount of principal and interest payments due on all outstanding bonds of the school district in the next fiscal year, whichever is less.

**Section 15** of this bill requires the City of North Las Vegas to develop certain plans relating to its water reclamation facility.

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

**Section 1.** Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The governing body of a city whose population is 220,000 or more in a county whose population is 100,000 or more but less than 700,000 may by ordinance create a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment. Such an ordinance must be approved by a two-thirds majority of the members of the governing body.*

*2. The boundaries of a district created pursuant to subsection 1 must be as prescribed by the governing body in the ordinance creating the district, except that the boundaries must include only property that is located in or within 4 city blocks, as determined by the governing body, of a district described in NRS 268.780 to 268.785, inclusive.*

*3. An ordinance enacted pursuant to subsection 1 must impose a surcharge of \$2 on the per night charge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.*

*4. The proceeds of the surcharge imposed pursuant to this section must be retained by the city and must be used by the city solely to pay the cost of improving and maintaining publicly owned facilities for tourism and entertainment in the district or within 1 mile outside the boundaries of the district, except for a minor league baseball stadium project as defined in NRS 244A.0344. The proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.*

*5. On or before January 15, 2030, the governing body of a city that has created a district pursuant to this section shall submit a report concerning the district to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must:*

*(a) Address, without limitation, the total amount collected from the surcharge imposed pursuant to this section and all the projects*



*undertaken to improve and maintain the publicly owned facilities for tourism and entertainment in the district.*

*(b) Cover the period between the creation of the district until the end of the calendar year immediately preceding the submission of the report.*

**Sec. 2.** NRS 268.526 is hereby amended to read as follows:

268.526 In addition to any other powers which it may now have, each city shall have the following powers:

1. To finance or acquire, whether by construction, purchase, gift, devise, lease or sublease, or any one or more of such methods, and to improve and equip one or more projects, or part thereof. Such projects, upon completion of such acquisition, shall be located within, or within 10 miles of, the city.

2. To finance, sell, lease or otherwise dispose of any or all of its projects upon such terms and conditions as the governing body considers advisable.

3. To issue revenue bonds for the purpose of financing or defraying the cost of acquiring, improving and equipping any project as set forth in NRS 268.556.

4. To secure payment of such bonds as provided in NRS 268.512 to 268.568, inclusive ~~and~~, *including, without limitation, from the proceeds of the surcharge imposed pursuant to NRS 244A.830.*

5. To take such actions as are necessary or useful in order to undertake, carry out, accomplish and otherwise implement the provisions of NRS 268.512 to 268.568, inclusive, including the adoption of resolutions, which may be introduced and adopted at the same special or regular meeting of the governing body and which shall become effective upon adoption.

**Sec. 3.** Chapter 271A of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

**Sec. 4. *The governing body of a municipality:***

*1. Shall require the review of each claim submitted pursuant to any contract or other agreement made with the governing body to provide any financing or reimbursement pursuant to NRS 271A.120, by an independent auditor.*

*2. Shall not, with respect to any district created on or after July 1, 2011, provide any financing or reimbursement pursuant to NRS 271A.120 for:*

*(a) Any legal fees, accounting fees, costs of insurance, fees for legal notices or costs to amend any ordinances.*

*(b) Any project that includes the relocation on or after July 1, 2011, to the district of any retail facilities of a retailer from another location outside of and within 3 miles of the boundary of the district. Each pledge of money pursuant to NRS 271A.070*



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1 *shall be deemed to exclude any amounts attributable to any*  
2 *tangible personal property sold at retail, or stored, used or*  
3 *otherwise consumed, in the district during a fiscal year by a*  
4 *retailer who, on or after July 1, 2011, relocates any of its retail*  
5 *facilities to the district from another location outside of and within*  
6 *3 miles of the boundary of the district.*

7 **Sec. 5. 1.** *Except as otherwise provided in subsection 2, a*  
8 *contractor or developer who enters into a contract to which the*  
9 *provisions of subsection 3 of NRS 271A.130 apply shall:*

10 (a) *Advertise for at least 7 calendar days for bids on each*  
11 *subcontract for the performance of any portion of the contract;*

12 (b) *At least 2 business days before the first day of that*  
13 *advertisement, provide notice of that advertisement to the*  
14 *governing body of the municipality;*

15 (c) *Make available to all prospective bidders on the*  
16 *subcontract a written set of plans and specifications for the*  
17 *pertinent work;*

18 (d) *Provide public notice of the name and address of each*  
19 *person who submits a bid on the subcontract; and*

20 (e) *After closing the period for the solicitation of bids and*  
21 *receiving at least three timely and responsive bids, select any*  
22 *subcontractor from those timely and responsive bids that the*  
23 *contractor or developer, in his or her sole discretion, determines to*  
24 *be appropriate, except that the contractor or developer shall*  
25 *ensure that each subcontractor who will perform any portion of*  
26 *the contract is appropriately licensed pursuant to chapter 624 of*  
27 *NRS.*

28 **2.** *The provisions of subsection 1 do not apply to:*

29 (a) *Any contract which is awarded by a municipality; or*

30 (b) *Any project which is constructed or maintained by a*  
31 *governmental entity on any property while the governmental entity*  
32 *owns that property.*

33 **3.** *A governing body of a municipality that receives a notice*  
34 *of an advertisement for bids pursuant to paragraph (b) of*  
35 *subsection 1:*

36 (a) *Shall, upon such receipt, post notice of the advertisement*  
37 *on an Internet website maintained by the municipality; and*

38 (b) *May otherwise provide notice of the advertisement to local*  
39 *trade organizations and the general public.*

40 **Sec. 6. 1.** *On or before September 1 of each year, the*  
41 *governing body of a municipality that creates a district before, on*  
42 *or after July 1, 2011, shall prepare and submit to the Director of*  
43 *the Legislative Counsel Bureau for submission to the Legislature,*  
44 *or to the Legislative Commission when the Legislature is not in*  
45 *regular session, an annual report containing:*



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1     (a) A statement of the status of each project located or  
2     expected to be located in the district, and of any changes in that  
3     status since the last annual report.

4     (b) An assessment of the financial impact of the district on the  
5     provision of local governmental services, including, without  
6     limitation, services for police protection and fire protection.

7     2. If the governing body of a municipality creates a district  
8     before, on or after July 1, 2011, the Department of Taxation shall:

9     (a) On or before April 1 and October 1 of each year, prepare  
10    and submit to the Director of the Legislative Counsel Bureau for  
11    submission to the Legislature, or to the Legislative Commission  
12    when the Legislature is not in regular session, and to the  
13    governing body of the municipality a semiannual report which  
14    states:

15    (1) The amount of revenue from the taxable sales made  
16    each month by each business within the district;

17    (2) To the extent that the pertinent information is available,  
18    the portion of that revenue which is attributable to persons who  
19    are not residents of this State;

20    (3) The amount of the wages paid each month by each  
21    business within the district; and

22    (4) The number of full-time and part-time employees  
23    employed each month by each business within the district.

24    (b) Require each business within the district to report to the  
25    Department of Taxation, at such times as the Department may  
26    specify on a form provided by the Department, such information  
27    as the Department determines to be necessary to carry out the  
28    provisions of paragraph (a).

29    3. Except as otherwise provided in subsection 2 or another  
30    specific statute, the Department of Taxation shall not disclose any  
31    information reported to the Department pursuant to subsection 2.

32    4. As used in this section, "taxable sales" means any sales  
33    that are taxable pursuant to chapter 372 of NRS.

34    **Sec. 7.** NRS 271A.080 is hereby amended to read as follows:

35    271A.080 The governing body of a municipality shall not  
36    adopt an ordinance pursuant to NRS 271A.070 unless:

37    1. If the ordinance:

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

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



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

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

5 3. The governing body has made a written finding at a public  
6 hearing, based upon reports from independent consultants which  
7 were addressed to the governing body, to the board of county  
8 commissioners, if the governing body is not the board of county  
9 commissioners for the county in which the tourism *improvement*  
10 district is or will be located, and to the board of trustees of the  
11 school district in which the tourism improvement district is or will  
12 be located, as to whether the project and the financing thereof  
13 pursuant to this chapter will have a positive fiscal effect on the  
14 provision of local governmental services, after considering:

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

18 (b) The use of any money proposed to be pledged pursuant to  
19 NRS 271A.070;

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

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

30 *➔ The reports required from independent consultants pursuant to*  
31 *this subsection must be obtained from independent consultants*  
32 *selected by the governing body from a list of independent*  
33 *consultants provided by the Commission on Tourism. For the*  
34 *purposes of this subsection, the Commission shall, upon the*  
35 *request of a governing body, provide the governing body with a list*  
36 *of at least three qualified independent consultants, each of whom*  
37 *must be located outside of this State.*

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

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

44 (b) Each analysis prepared by or for or presented to the  
45 governing body regarding the fiscal effect of the project and the use



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1 of any money proposed to be pledged pursuant to NRS 271A.070 on  
2 the provision of local governmental services, including education.

3 ➡ After the receipt of the notice required by this subsection and  
4 before the date of the meeting at which the governing body will  
5 consider making the written finding required by subsection 3, the  
6 board of trustees shall conduct a hearing regarding the fiscal effect  
7 on the school district, if any, of the project and the use of any money  
8 proposed to be pledged pursuant to NRS 271A.070, and may submit  
9 to the governing body of the municipality any comments regarding  
10 that fiscal effect. The governing body shall consider those  
11 comments when making any written finding pursuant to subsection  
12 3 and shall consider those comments when considering the terms of  
13 any agreement pursuant to NRS 271A.110.

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

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

22 (b) Each analysis prepared by or for or presented to the  
23 governing body regarding the fiscal effect of the project and the use  
24 of any money proposed to be pledged pursuant to NRS 271A.070 on  
25 the provision of local governmental services.

26 ➡ After the receipt of the notice required by this subsection and  
27 before the date of the meeting at which the governing body will  
28 consider making the written finding required by subsection 3, the  
29 board of county commissioners may conduct a hearing regarding the  
30 fiscal effect on local governmental services, if any, of the project  
31 and the use of any money proposed to be pledged pursuant to NRS  
32 271A.070, and may submit to the governing body of the  
33 municipality any comments regarding that fiscal effect. The  
34 governing body may consider those comments when making any  
35 written finding pursuant to subsection 3 and shall consider those  
36 comments when considering the terms of any agreement pursuant to  
37 NRS 271A.110.

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

41 (a) As a result of the project:

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

44 (2) There will be a substantial increase in the proceeds from  
45 sales and use taxes remitted by retailers with regard to tangible



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1 personal property sold at retail, or stored, used or otherwise  
2 consumed, in the district; and

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

6 7. The Commission on Tourism has determined, at a public  
7 hearing conducted at least 15 days after providing notice of the  
8 hearing by publication, that a preponderance of the increase in the  
9 proceeds from sales and use taxes identified pursuant to subsection  
10 6 will be attributable to transactions with tourists who are not  
11 residents of this State.

12 8. The Governor has determined that the project and the use of  
13 any money proposed to be pledged pursuant to NRS 271A.070 will  
14 contribute significantly to economic development and tourism in  
15 this State. Before making that determination, the Governor:

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

23 (b) If the Governor determines that the pledge of money will  
24 have a substantial adverse fiscal effect on educational funding, may  
25 require a commitment from the municipality for the provision of  
26 specified payments to the school district in which the tourism  
27 improvement district is or will be located during the term of the use  
28 of any money pledged pursuant to NRS 271A.070. The payments  
29 may be provided pursuant to agreements with owners of property  
30 within the district authorized by NRS 271A.110 or from sources  
31 other than the owners of property within the district. Such a  
32 commitment by a municipality is not subject to the limitations of  
33 subsection 1 of NRS 354.626 and, notwithstanding any other law to  
34 the contrary, is binding on the municipality for the term of the use of  
35 any money pledged pursuant to NRS 271A.070.

36 9. If any property within the boundaries of the district is also  
37 included within the boundaries of any other tourism improvement  
38 district or any improvement district for which any money has been  
39 pledged pursuant to NRS 271.650, all of the governing bodies which  
40 created those districts have entered into an interlocal agreement  
41 providing for:

42 (a) The apportionment of any money pledged pursuant to NRS  
43 271.650 and 271A.070 with respect to such property; and

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

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



(2) Bonds and notes issued, and agreements entered into, pursuant to NRS 271A.120.

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 NRS 271A.120 to which all or any portion of that money is pledged.

**Sec. 8.** NRS 271A.120 is hereby amended to read as follows:

271A.120 1. Except as otherwise provided in this section, if the governing body of a municipality adopts an ordinance pursuant to NRS 271A.070, the municipality may:

(a) Issue, at one time or from time to time, bonds or notes as special obligations under the Local Government Securities Law to finance or refinance projects for the benefit of the district. Any such bonds or notes may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof.

(b) Enter into an agreement with one or more governmental entities or other persons to reimburse that entity or person for the cost of acquiring, improving or equipping, or any combination thereof, any project, which may contain such terms as are determined to be desirable by the governing body of the municipality, including the payment of reasonable interest and other financing costs incurred by such entity or other person. Any such reimbursements may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. Such an agreement is not subject to the limitations of subsection 1 of NRS 354.626 and may, at the option of the governing body, be binding on the municipality beyond the fiscal year in which it was made, only if the agreement pertains solely to one or more projects that are owned by the municipality or another governmental entity.

2. *The governing body of a municipality shall not, with respect to any district created before, on or after July 1, 2011, provide any financing or reimbursement pursuant to this section:*

*(a) Except as otherwise provided in this paragraph, to any governmental entity for any project within the district if any nongovernmental entity is or was entitled to receive any financing or reimbursement from the municipality pursuant to this section under the original financing agreements for the initial projects*



1 *within the district. This paragraph does not prohibit the provision*  
2 *of such financing or reimbursement to:*

3 *(1) A school district; or*

4 *(2) A governmental entity that is or was entitled to receive*  
5 *such financing or reimbursement under the original financing*  
6 *agreements for the initial projects within the district.*

7 *(b) To any person or other entity for any project within the*  
8 *district, other than a person or other entity that is or was entitled*  
9 *to receive such financing or reimbursement from the municipality*  
10 *under the original financing agreements for the initial projects*  
11 *within the district, without the consent of all the persons and other*  
12 *entities that were entitled to receive such financing or*  
13 *reimbursement under the original financing agreements for the*  
14 *initial projects within the district.*

15 **3.** Before the issuance of any bonds or notes pursuant to this  
16 section, the municipality must obtain the results of a feasibility  
17 study, commissioned by the municipality, which shows that a  
18 sufficient amount will be generated from money pledged pursuant to  
19 NRS 271A.070 to make timely payment on the bonds or notes,  
20 taking into account the revenue from any other revenue-producing  
21 projects also pledged for the payment of the bonds or notes, if any.  
22 A failure to make payments of any amounts due:

23 (a) With respect to any bonds or notes issued pursuant to  
24 subsection 1; or

25 (b) Under any agreements entered into pursuant to subsection 1,  
26 ➤ because of any insufficiency in the amount of money pledged  
27 pursuant to NRS 271A.070 to make those payments shall be deemed  
28 not to constitute a default on those bonds, notes or agreements.

29 ~~[3.]~~ **4.** No bond, note or other agreement issued or entered into  
30 pursuant to this section may be secured by or payable from the  
31 general fund of the municipality, the power of the municipality to  
32 levy ad valorem property taxes, or any source other than any money  
33 pledged pursuant to NRS 271A.070 and received by the  
34 municipality with respect to the district, any revenue received by the  
35 municipality from any revenue-producing projects in the district, or  
36 any combination thereof. No bond, note or other agreement issued  
37 or entered into pursuant to this section may ever become a general  
38 obligation of the municipality or a charge against its general credit  
39 or taxing powers, nor may any such bond, note or other agreement  
40 become a debt of the municipality for purposes of any limitation on  
41 indebtedness.

42 ~~[4.]~~ **5.** Any bond or note issued pursuant to this section,  
43 including any bond or note issued to refund any such bond or note,  
44 must mature on or before, and any agreement entered pursuant to  
45 this section must automatically terminate on or before, the end of



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1 the fiscal year in which the 20th anniversary of the adoption of the  
2 ordinance creating the district occurs.

3 **Sec. 9.** NRS 271A.130 is hereby amended to read as follows:

4 271A.130 1. Except as otherwise provided in this section ~~[.]~~  
5 *and section 5 of this act and* notwithstanding any other law to the  
6 contrary, any contract or other agreement relating to or providing for  
7 the construction, improvement, repair, demolition, reconstruction,  
8 other acquisition, equipment, operation or maintenance of any  
9 project financed in whole or in part pursuant to this chapter is  
10 exempt from any law requiring competitive bidding or otherwise  
11 specifying procedures for the award of contracts for construction or  
12 other contracts, or specifying procedures for the procurement of  
13 goods or services. The governing body of the municipality shall  
14 require a quarterly report on the demography of the workers  
15 employed by any contractor or subcontractor for each such project.

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

19 3. ~~[The provisions of NRS 338.010 to 338.090, inclusive, apply~~  
20 ~~to]~~ *Except as otherwise provided in subsection 5, a person who*  
21 *enters into* any contract or other agreement for the construction,  
22 improvement, repair, demolition or reconstruction of any project  
23 that is paid for in whole or in part:

24 (a) From the proceeds of bonds or notes issued pursuant to  
25 paragraph (a) of subsection 1 of NRS 271A.120; or

26 (b) Pursuant to an agreement for reimbursement entered into  
27 pursuant to paragraph (b) of subsection 1 of NRS 271A.120,

28 ~~↳ [regardless of whether the project is publicly or privately owned.]~~  
29 *shall include in the contract or other agreement the contractual*  
30 *provisions and stipulations that are required to be included in a*  
31 *contract for a public work pursuant to the provisions of NRS*  
32 *338.013 to 338.090, inclusive. The governing body of the*  
33 *municipality, the contractor who is awarded the contract or enters*  
34 *into the agreement to perform the construction, improvement,*  
35 *repair, demolition or reconstruction, and any subcontractor who*  
36 *performs any portion of the contract or agreement shall comply*  
37 *with the provisions of NRS 338.013 to 338.090, inclusive, in the*  
38 *same manner as if the governing body of the municipality had*  
39 *undertaken the project or had awarded the contract.*

40 4. *The governing body of the municipality shall ensure that*  
41 *each contractor and developer to whom the provisions of section 5*  
42 *of this act apply complies with those provisions.*

43 5. *The provisions of subsection 3 do not apply to a contract or*  
44 *other agreement for the construction, improvement, repair,*  
45 *demolition or reconstruction of any improvement to a building*



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1 leased to a tenant that is paid for, in whole or in part, or which  
2 benefits from the proceeds of bonds or notes issued pursuant to  
3 paragraph (a) of subsection 1 of NRS 271A.120 or pursuant to an  
4 agreement for reimbursement entered into pursuant to paragraph  
5 (b) of subsection 1 of NRS 271A.120 and which is entered into  
6 after completion of the original construction:

7 (a) For any subsequent improvement to the building by the  
8 original tenant or a subsequent tenant.

9 (b) For any improvement to the building by the original tenant  
10 which is undertaken more than 60 months after the building is  
11 first made available for lease.

12 6. As used in this section:

13 (a) "Original construction" means any contract or other  
14 agreement for the construction, improvement, repair, demolition  
15 or reconstruction of a project paid for, in whole or in part, or  
16 which benefits:

17 (1) From the proceeds of bonds or notes issued pursuant to  
18 paragraph (a) of subsection 1 of NRS 271A.120; or

19 (2) Pursuant to an agreement for reimbursement entered  
20 into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

21 (b) "Original tenant" means the first tenant of any leased  
22 property after the property is first made available for lease.

23 **Sec. 10.** NRS 244A.830 is hereby amended to read as follows:

24 244A.830 1. A board of county commissioners that adopts an  
25 ordinance imposing a fee pursuant to NRS 244A.810 shall create a  
26 stadium authority to ~~operate~~ *assist in the operation of* the minor  
27 league baseball stadium project. The stadium authority must consist  
28 of:

29 (a) ~~One member~~ *Two members* of the board of county  
30 commissioners appointed by the board;

31 (b) ~~One member~~ *Three members* from the governing body of  
32 ~~each~~ *the* city in ~~the county whose population is 60,000 or more,~~  
33 *which the minor league baseball stadium is located* appointed by  
34 that governing body; and

35 (c) ~~If the stadium authority enters into an agreement with an~~  
36 ~~AA or AAA minor league baseball team pursuant to which the team~~  
37 ~~agrees to play its home games in the stadium, two~~ *Two* persons  
38 appointed by the owner of the *minor league baseball* team ~~that~~  
39 *will play its home games in the stadium.*

40 2. The members of the stadium authority serve at the pleasure  
41 of the governmental entity or person who appointed them to serve in  
42 that capacity.

43 3. ~~The stadium authority shall:~~

44 ~~—(a) Be responsible for the normal operations of the minor league~~  
45 ~~baseball stadium project; and~~



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~~1 (b) Enter into an agreement with the board of county  
2 commissioners that sets forth the specific rights, obligations and  
3 duties of the stadium authority regarding those operations.] A  
4 meeting of the stadium authority must be scheduled if two or more  
5 members request a meeting of the stadium authority.~~

6 4. *The stadium authority may recommend to the governing  
7 body of the city in which the minor league baseball stadium is  
8 located that the governing body impose a surcharge on items or  
9 services related to the minor league baseball stadium project. The  
10 surcharge must be approved by a two-thirds majority of the  
11 governing body. Any proceeds from a surcharge imposed pursuant  
12 to this section must be paid to and collected by the city and must be  
13 used solely to pay the costs to acquire, lease, improve, equip,  
14 operate and maintain the minor league baseball stadium project,  
15 or to pay the principal of, interest on or other payments due with  
16 respect to bonds issued by the city to pay such costs, including  
17 bonds issued to refund bonds issued to pay such costs, or any  
18 combination thereof. The proceeds of the surcharge must not be  
19 transferred to any other fund or account or used for any other  
20 purpose.*

21 **Sec. 11.** NRS 279.636 is hereby amended to read as follows:

22 279.636 1. An agency may issue such types of bonds as it  
23 may determine, including bonds on which the principal and interest  
24 are payable:

25 (a) Exclusively from the income and revenues of the  
26 redevelopment projects financed with the proceeds of the bonds, or  
27 with those proceeds together with financial assistance from the State  
28 or Federal Government in aid of the projects.

29 (b) Exclusively from the income and revenues of certain  
30 designated redevelopment projects whether or not they were  
31 financed in whole or in part with the proceeds of the bonds.

32 (c) In whole or in part from taxes allocated to, and paid into a  
33 special fund of, the agency pursuant to the provisions of NRS  
34 279.674 to 279.685, inclusive.

35 (d) From its revenues generally.

36 (e) From any contributions or other financial assistance from the  
37 State or Federal Government.

38 (f) *From the proceeds of the surcharge imposed pursuant to  
39 NRS 244A.830.*

40 (g) By any combination of these methods.

41 2. Any of the bonds may be additionally secured by a pledge of  
42 any revenue or by an encumbrance by mortgage, deed of trust or  
43 otherwise of any redevelopment project or other property of the  
44 agency or by a pledge of the taxes referred to in subsection 1.



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3. Amounts payable in any manner permitted by this section may be additionally secured by a pledge of the full faith and credit of the community whose legislative body has declared the need for the agency to function. Such additional security may only be provided upon the approval of the majority of the voters voting on the question at a primary or general election or a special election called for that purpose. In its proposal to its voters the governing body shall define the area to be redeveloped, the primary source or sources of revenue first to be employed to retire the bonds and the maximum sum for which the city may pledge its full faith and credit in connection with the bonds to be issued for the project.

**Sec. 12.** NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year.

➤ The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than



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1 5 percent of the registered voters of the municipality. Any member  
2 elected to the governing body whose authority to vote is limited by  
3 charter, statute or otherwise may vote on the determination required  
4 to be made by the governing body pursuant to this subsection. The  
5 determination by the governing body becomes conclusive on the last  
6 day for filing the petition. For the purpose of this subsection, the  
7 number of registered voters must be determined as of the close of  
8 registration for the last preceding general election. The resolution of  
9 intent need not be published in full, but the publication must include  
10 the amount of the obligation and the purpose for which it is to be  
11 incurred. Notice of the public hearing must be published at least 10  
12 days before the day of the hearing. The publications must be made  
13 once in a newspaper of general circulation in the municipality.  
14 When published, the notice of the public hearing must be at least as  
15 large as 5 inches high by 4 inches wide.

16 4. The board of trustees of a school district may issue general  
17 obligation bonds which are not expected to result in an increase in  
18 the existing property tax levy for the payment of bonds of the school  
19 district without holding an election for each issuance of the bonds if  
20 the qualified electors approve a question submitted by the board of  
21 trustees that authorizes issuance of bonds for a period of 10 years  
22 after the date of approval by the voters. If the question is approved,  
23 the board of trustees of the school district may issue the bonds for a  
24 period of 10 years after the date of approval by the voters, after  
25 obtaining the approval of the debt management commission in the  
26 county in which the school district is located and, in a county whose  
27 population is 100,000 or more, the approval of the oversight panel  
28 for school facilities established pursuant to NRS 393.092 in that  
29 county, if the board of trustees of the school district finds that the  
30 existing tax for debt service will at least equal the amount required  
31 to pay the principal and interest on the outstanding general  
32 obligations of the school district and the general obligations  
33 proposed to be issued. The finding made by the board of trustees is  
34 conclusive in the absence of fraud or gross abuse of discretion. As  
35 used in this subsection, "general obligations" does not include  
36 medium-term obligations issued pursuant to NRS 350.087 to  
37 350.095, inclusive.

38 5. At the time of issuance of bonds authorized pursuant to  
39 subsection 4, the board of trustees shall establish a reserve account  
40 in its debt service fund for payment of the outstanding bonds of the  
41 school district. The reserve account must be established and  
42 maintained in an amount at least equal to the lesser of :

43 (a) *For a school district located in a county whose population*  
44 *is 100,000 or more, 25 percent; and*





1       ***(b) For a school district located in a county whose population***  
2 ***is less than 100,000, 50 percent,***

3       ***↪ of*** the amount of principal and interest payments due on all of the  
4 outstanding bonds of the school district in the next fiscal year or 10  
5 percent of the outstanding principal amount of the outstanding  
6 bonds of the school district.

7       **6.** If the amount in the reserve account falls below the amount  
8 required by ~~[this]~~ subsection ~~[5]~~ **5:**

9       (a) The board of trustees shall not issue additional bonds  
10 pursuant to subsection 4 until the reserve account is restored to the  
11 level required by ~~[this]~~ subsection ~~[5]~~ **5**; and

12       (b) The board of trustees shall apply all of the taxes levied by  
13 the school district for payment of bonds of the school district that  
14 are not needed for payment of the principal and interest on bonds of  
15 the school district in the current fiscal year to restore the reserve  
16 account to the level required pursuant to ~~[this]~~ subsection ~~[5]~~ **5**.

17       ~~[6]~~ **7.** A question presented to the voters pursuant to  
18 subsection 4 may authorize all or a portion of the revenue generated  
19 by the debt rate which is in excess of the amount required:

20       (a) For debt service in the current fiscal year;

21       (b) For other purposes related to the bonds by the instrument  
22 pursuant to which the bonds were issued; and

23       (c) To maintain the reserve account required pursuant to  
24 subsection 5,

25       **↪** to be transferred to the county school district's fund for capital  
26 projects established pursuant to NRS 387.328 and used to pay the  
27 cost of capital projects which can lawfully be paid from that fund.  
28 Any such transfer must not limit the ability of the school district to  
29 issue bonds during the period of voter authorization if the findings  
30 and approvals required by subsection 4 are obtained.

31       ~~[7]~~ **8.** A municipality may issue special or medium-term  
32 obligations without an election.

33       **Sec. 13.** NRS 372.750 is hereby amended to read as follows:

34       372.750 1. Except as otherwise provided in this section or  
35 NRS 360.247, ***or section 6 of this act,*** it is a misdemeanor for any  
36 member of the Tax Commission or officer, agent or employee of the  
37 Department to make known in any manner whatever the business  
38 affairs, operations or information obtained by an investigation of  
39 records and equipment of any retailer or any other person visited or  
40 examined in the discharge of official duty, or the amount or source  
41 of income, profits, losses, expenditures or any particular of them, set  
42 forth or disclosed in any return, or to permit any return or copy of a  
43 return, or any book containing any abstract or particulars of it to be  
44 seen or examined by any person not connected with the Department.



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2. The Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information that the Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247 may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against that person.



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**Sec. 14.** NRS 374.755 is hereby amended to read as follows:

374.755 1. Except as otherwise provided in this section or NRS 360.247, *or section 6 of this act*, it is a misdemeanor for any member of the Nevada Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Department.

2. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, however, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the Governor may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.



6. Relevant information that the Nevada Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247 may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against that person.

**Sec. 15.** 1. The City of North Las Vegas shall prepare and submit a plan for the routing of effluent that exits its water reclamation facility to the Clark County Water Reclamation District. The plan must include a consideration of the construction of a joint pipeline with the Clark County Water Reclamation District.

2. If a joint pipeline is not financially feasible, the City of North Las Vegas shall:

(a) Provide for an environmental study of the impact of the water flow down the flood control channel on the quality of life and the value of adjacent homes.

(b) Develop a plan to manage the flood control channel. The plan must include, without limitation:

(1) A mechanism to ensure that the flood control channel is free from debris, waste and other elements that may cause an unpleasant smell or constitute an environmental, health or other community concerns.

(2) Maintenance of fencing along the flood control channel, including a detail of the repairs that must be made.

(3) An identification of the manner by which negative impacts, if any, of the flood control channel will be addressed, including, without limitation, the specific corrective actions to mitigate those negative impacts.

3. On or before February 1, 2013, the City of North Las Vegas shall submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature on the status of the plans prepared by the City pursuant to this section. The report must include, without limitation:

(a) The findings of the City concerning the financial feasibility of developing a joint pipeline.

(b) The status of the development of a joint pipeline, if any.



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(c) If the City of North Las Vegas found that a joint pipeline is not financially feasible, a description of the plan to manage the flood control channel developed pursuant to subsection 2.

(d) The number of meetings held by the City of North Las Vegas to address the concerns of the community.

(e) The extent to which the City of North Las Vegas has adhered to commitments it has made to its residents for community development projects.

**Sec. 16.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 17.** 1. This section and sections 1, 7, 12, 15 and 16 of this act become effective upon passage and approval.

2. Sections 2 to 6, inclusive, 8 to 11, inclusive, 13 and 14 of this act become effective on July 1, 2011.

3. The authorization to impose a surcharge pursuant to NRS 244A.830, as amended by section 10 of this act, expires by limitation on June 30 of the later of the fiscal year that is 20 years after the fiscal year in which the ordinance imposing the surcharge is adopted or the fiscal year in which all bonds issued pursuant to NRS 268.526 and 279.636, as amended by sections 2 and 11 of this act, including, without limitation, any bonds issued to refund bonds issued pursuant to those sections, respectively, are fully paid as to all principal, interest and any other amounts due.

