

ASSEMBLY BILL NO. 467—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to local government.
(BDR 20-133)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 government; requiring each board of county commissioners to establish a centralized licensing office to issue business licenses and other permits in the county; requiring each city and town to cooperate with the board of county commissioners in operating the centralized licensing office and to assign certain proceeds of the city's or town's license taxes to the operating costs of the office; requiring the governing bodies of certain counties and cities to establish a system that ensures uniformity of certain zoning regulations, restrictions and controls; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties, cities and towns to issue business licenses and permits to operate a business within the limits of the county, city or town and to collect taxes on those licenses. (NRS 244.335, 266.355, 268.095, 269.170) **Section 1** of this bill requires each board of county commissioners to establish a centralized licensing office within the county where a person may apply for and obtain the business licenses and permits required by the county, city or town in which the business will operate. **Section 1** also requires the board of county commissioners to submit an annual report to the Legislature on the status of its centralized licensing office. **Sections 2 and 4** of this bill require the governing body of each city and certain towns to cooperate with the board of county commissioners of the county in which the city or town is located in operating the centralized licensing office and further require the city or town, if requested by the board of county commissioners, to contribute money to defray a portion of the operating and maintenance costs of the office.



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Existing law provides several uses to which a city may put the license taxes it collects on business licenses. (NRS 268.095) **Section 3** of this bill expands that list to include supporting the operating and maintenance costs of the centralized licensing office.

Existing law authorizes the governing bodies of cities and counties to adopt zoning regulations, restrictions and controls. (NRS 278.020) **Sections 5 and 6** of this bill require, for certain counties, the governing bodies of the county and any cities located within the county to cooperate to establish a system for ensuring that zoning regulations, restrictions and controls are, to the extent practicable, uniform throughout the county. **Section 5** also requires the board of county commissioners for any such county to submit an annual report to the Legislature describing the system and any progress there has been toward making zoning regulations, restrictions and controls uniform throughout the county.

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

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

1. The board of county commissioners of each county shall establish a centralized licensing office where a person may apply for and obtain a business license and any other permit required by the county license board, a city licensing agency or any other licensing authority in the county, city or town in which the business will operate.

2. The centralized licensing office must meet the standards and requirements established by the Secretary of State pursuant to NRS 75.100 as necessary to participate in the state business portal.

3. The centralized licensing office shall provide upon request an application for a state business license pursuant to chapter 76 of NRS.

4. On or before June 30 of each year, the board of county commissioners for each county shall submit a written report to the Director of the Legislative Counsel Bureau describing the status and operations of the centralized licensing office. The Director shall transfer the written report to the Legislative Commission.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

The city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, shall:

1. Cooperate with the board of county commissioners of the county within which the city is situated in operating the centralized licensing office established in that county pursuant to section 1 of this act; and

2. If requested by that board of county commissioners, contribute money to assist the board of county commissioners in



defraying a portion of the costs of operating and maintaining the centralized licensing office from the proceeds of licensing taxes collected by the city pursuant to NRS 268.095.

Sec. 3. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive;

~~{and}~~

(6) For constructing, purchasing or otherwise acquiring such recreational facilities ~~{; and}~~ **and**

(7) For operating and maintaining the centralized licensing office established pursuant to section 1 of this act.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and



(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. No license to engage in any type of business may be granted unless the applicant for the license signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS. The city licensing agency shall provide upon request an application for a business license pursuant to chapter 76 of NRS. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

6. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;



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(3) A description of the property sufficient for identification;
and

(4) A verification by the oath of any member of the board of
county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the
same manner as an action for foreclosure of any other lien,
commenced within 2 years after the date of recording of the notice
of the tax lien, and accompanied by appropriate notice to other
lienholders.

7. The city council or other governing body of each
incorporated city may delegate the power and authority to enforce
such liens to the county fair and recreation board. If the authority is
so delegated, the governing body shall revoke or suspend the license
of a business upon certification by the board that the license tax has
become delinquent, and shall not reinstate the license until the tax is
paid. Except as otherwise provided in NRS 239.0115 and 268.0966,
all information concerning license taxes levied by an ordinance
authorized by this section or other information concerning the
business affairs or operation of any licensee obtained as a result of
the payment of those license taxes or as the result of any audit or
examination of the books of the city by any authorized employee of
a county fair and recreation board for any license tax levied for the
purpose of NRS 244A.597 to 244A.655, inclusive, is confidential
and must not be disclosed by any member, official or employee of
the county fair and recreation board or the city imposing the license
tax unless the disclosure is authorized by the affirmative action of a
majority of the members of the appropriate county fair and
recreation board. Continuing disclosure may be so authorized under
an agreement with the Department of Taxation or the Secretary of
State for the exchange of information concerning taxpayers.

8. The powers conferred by this section are in addition and
supplemental to, and not in substitution for, and the limitations
imposed by this section do not affect the powers conferred by, any
other law. No part of this section repeals or affects any other law or
any part thereof, it being intended that this section provide a
separate method of accomplishing its objectives, and not an
exclusive one.

Sec. 4. Chapter 269 of NRS is hereby amended by adding
thereto a new section to read as follows:

*In an unincorporated town with a town board form of
government, the town board shall:*

*1. Cooperate with the board of county commissioners of the
county within which the town is situated in operating the
centralized licensing office established in that county pursuant to
section 1 of this act; and*



2. *If requested by that board of county commissioners, contribute money to assist the board of county commissioners in defraying a portion of the costs of operating and maintaining the centralized licensing office from the proceeds of license taxes collected by the town pursuant to NRS 269.170.*

Sec. 5. NRS 278.020 is hereby amended to read as follows:

278.020 1. For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.

2. Any such regulation, restriction and control must take into account:

(a) The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

(b) The availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities.

3. *In any county that contains one or more cities whose governing body adopts regulations, restrictions and controls pursuant to this chapter, the governing bodies of the county and such cities shall establish cooperatively a system for ensuring that, to the extent practicable, the regulations, restrictions and controls adopted pursuant to this chapter are uniform throughout the county.*

4. *On or before June 30 of each year, the board of county commissioners for any county that contains one or more cities whose governing body adopts regulations, restrictions and controls pursuant to this chapter shall submit a written report to the Director of the Legislative Counsel Bureau describing the status of the system required to be established pursuant to subsection 3 and any progress the governing bodies in the county have made during the 1-year period ending on that June 30 toward making the regulations, restrictions and controls adopted pursuant to this chapter uniform throughout the county. The Director shall transfer the written report to the Legislative Commission.*

Sec. 6. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.



2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 400,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things ~~[, to]~~ :

(a) To the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings



1 and encouraging the most appropriate use of land throughout the
2 city, county or region.

3 *(b) Of the provisions of subsection 3 of NRS 278.020.*

4 4. In exercising the powers granted in this section, the
5 governing body may use any controls relating to land use or
6 principles of zoning that the governing body determines to be
7 appropriate, including, without limitation, density bonuses,
8 inclusionary zoning and minimum density zoning.

9 5. As used in this section:

10 (a) "Density bonus" means an incentive granted by a governing
11 body to a developer of real property that authorizes the developer to
12 build at a greater density than would otherwise be allowed under the
13 master plan, in exchange for an agreement by the developer to
14 perform certain functions that the governing body determines to be
15 socially desirable, including, without limitation, developing an area
16 to include a certain proportion of affordable housing.

17 (b) "Inclusionary zoning" means a type of zoning pursuant to
18 which a governing body requires or provides incentives to a
19 developer who builds residential dwellings to build a certain
20 percentage of those dwellings as affordable housing.

21 (c) "Minimum density zoning" means a type of zoning pursuant
22 to which development must be carried out at or above a certain
23 density to maintain conformance with the master plan.

24 **Sec. 7.** On or before July 1, 2012:

25 1. The board of county commissioners of each county shall
26 establish a centralized licensing office as required pursuant to
27 section 1 of this act.

28 2. The governing bodies of the counties and cities affected by
29 the amendatory provisions of sections 5 and 6 of this act shall
30 establish a system for ensuring the regulations, restrictions and
31 controls adopted pursuant to chapter 278 are uniform throughout the
32 counties.

33 **Sec. 8.** This act becomes effective on July 1, 2011.

