

## SENATE BILL NO. 501—COMMITTEE ON FINANCE

MAY 30, 2011

Referred to Committee on Revenue

SUMMARY—Authorizes the creation of an event facility district in certain counties. (BDR 22-1301)

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

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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 improvements; authorizing the creation of an event facility district in certain counties; providing for the financing of event facilities and other local projects; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 This bill authorizes the board of county commissioners of a county whose  
2 population is 100,000 or more (currently Clark and Washoe Counties) to create an  
3 event facility district in the county for the purpose of financing event facilities and  
4 other local improvement projects in the county, and provides the board with three  
5 mutually exclusive options for the creation of such a district. **Section 9** of this bill  
6 authorizes the board to create such a district entirely within the boundaries of a  
7 redevelopment area and allows the pledge of certain revenue from certain state and  
8 local sales and use taxes, the state live entertainment tax and a special assessment  
9 on private parking spaces to finance an event facility project in the district. **Section**  
10 **10** of this bill authorizes the board to create such a district entirely outside of the  
11 boundaries of a redevelopment area and allows the pledge of certain revenue from  
12 the state modified business tax, the state live entertainment tax, certain state and  
13 local sales and use taxes, and certain property taxes to finance an event facility  
14 project in the district. **Sections 17-42** of this bill authorize the board to create such  
15 a district at the request of the Nevada System of Higher Education, and allow the  
16 System to finance an event facility project and other undertakings from a pledge of  
17 certain revenue authorized by the board of county commissioners from property  
18 taxes, the state modified business tax, the state live entertainment tax, certain state  
19 and local sales and use taxes, and local room taxes.

20 In addition, **sections 44-46** of this bill authorize the financing of an event  
21 facility project pursuant to the Consolidated Local Improvements Law.



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

**Section 1.** Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 42, inclusive, of this act.

**Sec. 2.** *This chapter shall be known as the Event Facility District Law.*

**Sec. 3.** *As used in sections 3 to 16, inclusive, of this act, except as otherwise provided in sections 4 to 8, inclusive, of this act or unless the context otherwise requires, the words and terms defined in NRS 271.035 to 271.250, inclusive, and sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 4.** *“County” means a county in this State whose population is 100,000 or more. Where the context so indicates, “county” means the geographical area comprising the county.*

**Sec. 5.** *“District” means an event facility district created pursuant to section 9 or 10 of this act.*

**Sec. 6.** *“Event facility” means a stadium, ballpark, arena or other sports facility which:*

*1. Has a seating capacity for at least 25,000 people; and*

*2. Is appropriately constructed to accommodate a major or minor league sports team or an athletic team of a college or university.*

**Sec. 7.** *“Event facility project” means an event facility, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for an event facility, including, without limitation, all types of property therefor and immediately adjacent facilities for retail sales, dining and entertainment, and any real or personal property necessary, useful or desirable in connection therewith.*

**Sec. 8.** *“Governing body” means the board of county commissioners of a county.*

**Sec. 9.** *1. Except as otherwise provided in this chapter, the governing body of a county may:*

*(a) Create an event facility district pursuant to this section for the purposes of carrying out sections 3 to 16, inclusive, of this act and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the event facility project to be financed within the district pursuant to sections 3 to 16, inclusive, of this act.*

*(b) Without any election, acquire, improve, equip, operate and maintain an event facility project within a district created*



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1 pursuant to paragraph (a). The event facility project may be  
2 owned by the county, another governmental entity or any other  
3 person, or any combination thereof.

4 (c) For the purposes of carrying out the provisions of  
5 paragraph (b), include in an ordinance adopted pursuant to  
6 paragraph (a):

7 (I) The pledge of a single percentage specified in the  
8 ordinance, which must not exceed 75 percent, of:

9 (I) An amount equal to the proceeds of the taxes  
10 imposed pursuant to NRS 372.105 and 372.185 with regard to  
11 tangible personal property sold at retail, or stored, used or  
12 otherwise consumed during each fiscal year in the redevelopment  
13 area in which the district is located, excluding any portion of that  
14 area for which any revenue is pledged pursuant to NRS 271.650 or  
15 271A.070, after the deduction of a sum equal to 1.75 percent of the  
16 amount of those proceeds; and

17 (II) The amount of the proceeds of the tax imposed  
18 pursuant to NRS 377.030 with regard to tangible personal  
19 property sold at retail, or stored, used or otherwise consumed  
20 during each fiscal year in the redevelopment area in which the  
21 district is located, excluding any portion of that area for which any  
22 revenue is pledged pursuant to NRS 271.650 or 271A.070, after  
23 the deduction of 1.75 percent of the amount of those proceeds;

24 (2) The pledge of an amount equal to the proceeds of the  
25 tax imposed pursuant to NRS 368A.200 on admission to any  
26 facility where live entertainment is provided in the redevelopment  
27 area in which the district is located during each fiscal year;

28 (3) The pledge of the proceeds of a special assessment  
29 levied pursuant to paragraph (e); and

30 (4) The pledge of any other revenue authorized by the  
31 Legislature.

32 (d) For the purposes of carrying out the provisions of  
33 paragraph (b), include in an ordinance adopted pursuant to  
34 paragraph (a):

35 (1) The designation of a specific sales and use tax  
36 increment area within the boundaries of an enterprise community  
37 which is currently or was previously established in the county  
38 pursuant to 24 C.F.R. Part 597; and

39 (2) The pledge of an amount equal to the remainder  
40 obtained by subtracting the amount of the proceeds of the taxes  
41 imposed pursuant to NRS 372.105 and 372.185 with regard to  
42 tangible personal property sold at retail, or stored, used or  
43 otherwise consumed, in the sales and use tax increment area  
44 during each fiscal year beginning after the adoption of the  
45 ordinance, from the proceeds of those taxes with regard to



1 *tangible personal property sold at retail, or stored, used or*  
2 *otherwise consumed, in the sales and use tax increment area*  
3 *during the fiscal year in which the ordinance is adopted.*

4 *↳ A sales and use tax increment area designated pursuant to this*  
5 *paragraph must not include any property within the boundaries of*  
6 *an event facility district created pursuant to this section, any*  
7 *improvement district established pursuant to chapter 271 of NRS*  
8 *for which any revenue is pledged pursuant to NRS 271.650 or any*  
9 *tourism improvement district established pursuant to chapter 271A*  
10 *of NRS.*

11 *(e) For the purposes of carrying out the provisions of*  
12 *paragraph (b), levy a special assessment of not more than \$1,000*  
13 *on each privately owned parking space located within 3,000 feet of*  
14 *the event facility project. The county shall collect the special*  
15 *assessment as other special assessments are collected and the*  
16 *assessment is a lien upon the property.*

17 *2. A district created pursuant to this section must be located*  
18 *entirely within the boundaries of:*

19 *(a) A redevelopment area established pursuant to chapter 279*  
20 *of NRS, as those boundaries existed on the effective date of this*  
21 *act; and*

22 *(b) The county. The district may be located partially or entirely*  
23 *within the boundaries of any city in the county.*

24 *3. The governing body of a county may create only one*  
25 *district pursuant to this section. If the governing body of a county*  
26 *adopts an ordinance creating a district pursuant to this section,*  
27 *the governing body shall not adopt an ordinance creating an event*  
28 *facility district pursuant to section 10 or 32 of this act.*

29 *4. As used in this section:*

30 *(a) "Enterprise community" includes, without limitation, the*  
31 *Southern Nevada Enterprise Community.*

32 *(b) "Southern Nevada Enterprise Community" means the area*  
33 *designated as the Southern Nevada Enterprise Community in*  
34 *section 5 of chapter 407, Statutes of Nevada 2007.*

35 **Sec. 10.** *1. Except as otherwise provided in this chapter, the*  
36 *governing body of a county may:*

37 *(a) Create an event facility district pursuant to this section for*  
38 *the purposes of carrying out sections 3 to 16, inclusive, of this act*  
39 *and revise the boundaries of the district by adopting an ordinance*  
40 *describing the boundaries of the district and generally describing*  
41 *the event facility project to be financed within the district pursuant*  
42 *to sections 3 to 16, inclusive, of this act.*

43 *(b) Without any election, acquire, improve, equip, operate and*  
44 *maintain an event facility project within a district created*  
45 *pursuant to paragraph (a). The event facility project may be*



1 *owned by the county, another governmental entity or any other*  
2 *person, or any combination thereof.*

3 *(c) For the purposes of carrying out the provisions of*  
4 *paragraph (b), include in an ordinance adopted pursuant to*  
5 *paragraph (a) the pledge of:*

6 *(I) An amount equal to the proceeds of the tax imposed*  
7 *pursuant to NRS 363B.110 with regard to the wages paid by an*  
8 *employer with respect to employment in connection with the*  
9 *business activities of the employer in the district during each fiscal*  
10 *year;*

11 *(2) An amount equal to the proceeds of the tax imposed*  
12 *pursuant to NRS 368A.200 on admission to any facility where live*  
13 *entertainment is provided in the district during each fiscal year;*

14 *(3) An amount equal to the proceeds of the taxes imposed*  
15 *pursuant to NRS 372.105 and 372.185 with regard to tangible*  
16 *personal property sold at retail, or stored, used or otherwise*  
17 *consumed, in the district during each fiscal year;*

18 *(4) The amount of the proceeds of the tax imposed*  
19 *pursuant to NRS 377.030 with regard to tangible personal*  
20 *property sold at retail, or stored, used or otherwise consumed, in*  
21 *the district during each fiscal year;*

22 *(5) The amount of any revenue from taxes ad valorem*  
23 *which is deposited into a special account pursuant to section 11 of*  
24 *this act; and*

25 *(6) Any other revenue authorized by the Legislature.*

26 *2. A district created pursuant to this section:*

27 *(a) Must be located:*

28 *(1) Entirely within the boundaries of the county. The*  
29 *district may be located partially or entirely within the boundaries*  
30 *of any city in the county.*

31 *(2) Entirely outside of the boundaries of:*

32 *(I) Any improvement district established pursuant to*  
33 *chapter 271 of NRS for which any revenue is pledged pursuant to*  
34 *NRS 271.650;*

35 *(II) Any tourism improvement district established*  
36 *pursuant to chapter 271A of NRS;*

37 *(III) Any tax increment area established pursuant to*  
38 *chapter 278C of NRS; and*

39 *(IV) Any redevelopment area established pursuant to*  
40 *chapter 279 of NRS.*

41 *(b) Must not include any hotels, motels or licensed gaming*  
42 *establishments, as that term is defined in NRS 463.0169.*

43 *3. The governing body of a county may create only one*  
44 *district pursuant to this section. If the governing body of a county*  
45 *adopts an ordinance creating a district pursuant to this section,*



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1 *the governing body shall not adopt an ordinance creating an event*  
2 *facility district pursuant to section 9 or 32 of this act.*

3 **Sec. 11. 1.** *An ordinance adopted pursuant to section 10 of*  
4 *this act may include a provision that, after the effective date of the*  
5 *ordinance, any taxes ad valorem levied upon taxable property in*  
6 *the district each year by or for the benefit of the State, the county*  
7 *and any public body must be divided as follows:*

8 *(a) That portion of the taxes that would be produced by the*  
9 *rate upon which the tax is levied each year by or for each of those*  
10 *taxing agencies upon the total sum of the assessed value of the*  
11 *taxable property in the district as shown upon the last equalized*  
12 *assessment roll used in connection with the taxation of the*  
13 *property by the taxing agency, must be allocated to and when*  
14 *collected must be paid into the funds of the respective taxing*  
15 *agencies as taxes by or for the taxing agencies on all other*  
16 *property are paid.*

17 *(b) Except as otherwise provided in this section, the portion of*  
18 *the taxes levied each year in excess of the amount determined*  
19 *pursuant to paragraph (a) must be allocated to, and when*  
20 *collected must be paid into, a special account, which must be*  
21 *created by the governing body adopting the ordinance, to finance*  
22 *or refinance, in whole or in part, event facility projects within the*  
23 *district. Unless the total assessed valuation of the taxable property*  
24 *in the district exceeds the total assessed value of the taxable*  
25 *property in the district as shown by the last equalized assessment*  
26 *roll referred to in this subsection, all of the taxes levied and*  
27 *collected upon the taxable property in the district must be paid into*  
28 *the funds of the respective taxing agencies. When all obligations*  
29 *of the governing body incurred pursuant to section 13 of this act*  
30 *regarding event facility projects within the district have been paid*  
31 *in full, all money thereafter received from taxes upon the taxable*  
32 *property in the district must be paid into the funds of the respective*  
33 *taxing agencies as taxes on all other property are paid.*

34 **2.** *The portion of the taxes levied each year in excess of the*  
35 *amount determined pursuant to paragraph (a) of subsection 1*  
36 *which is attributable to any tax rate levied by a taxing agency:*

37 *(a) To produce revenue in an amount sufficient to make*  
38 *annual repayments of the principal of, and the interest on, any*  
39 *bonded indebtedness that was approved by a majority of the*  
40 *registered voters within the area of the taxing agency voting upon*  
41 *the question, must be allocated to, and when collected must be*  
42 *paid into, the debt service fund of that taxing agency.*

43 *(b) In excess of any tax rate of that taxing agency applicable to*  
44 *the last taxation of the property before the effective date of the*  
45 *ordinance, if that additional rate was approved by a majority of the*



1 registered voters within the area of the taxing agency voting upon  
2 the question, must be allocated to, and when collected must be  
3 paid into, the appropriate fund of that taxing agency.

4 (c) For the support of the public schools within a county  
5 school district pursuant to NRS 387.195, must be allocated to, and  
6 when collected must be paid into, the appropriate fund of that  
7 taxing agency.

8 3. The provisions of paragraph (a) of subsection 2 include,  
9 without limitation, a tax rate approved for bonds of a county  
10 school district issued pursuant to NRS 350.020, including, without  
11 limitation, amounts necessary for a reserve account in the debt  
12 service fund.

13 4. If the governing body of a county adopts an ordinance  
14 pursuant to section 10 of this act which adds any land to the  
15 district, the amount of taxes to be allocated to a special account  
16 pursuant to this section must be computed separately for the  
17 original area of the district and each addition of land thereto.

18 5. As used in this section, "last equalized assessment roll"  
19 means the assessment roll in existence on the 15th day of March  
20 immediately preceding the effective date of the ordinance.

21 **Sec. 12.** 1. After the adoption of an ordinance pursuant to:

22 (a) Section 9 of this act, the governing body of the county and:

23 (1) The Department of Taxation shall enter into an  
24 agreement specifying the dates and procedure for distribution to  
25 the county of any money pledged pursuant to:

26 (I) Subparagraph (1) of paragraph (c) of subsection 1 of  
27 that section;

28 (II) Subparagraph (2) of paragraph (c) of subsection 1  
29 of that section relating to taxes collected by the Department; and

30 (III) Paragraph (d) of subsection 1 of that section; and

31 (2) The State Gaming Control Board shall enter into an  
32 agreement specifying the dates and procedure for distribution to  
33 the county of any money pledged pursuant to subparagraph (2) of  
34 paragraph (c) of subsection 1 of that section relating to taxes  
35 collected by the State Gaming Control Board.

36 (b) Section 10 of this act, the governing body of the county and  
37 the Department of Taxation shall enter into an agreement  
38 specifying the dates and procedure for distribution to the county of  
39 any money pledged pursuant to subparagraphs (1) to (4),  
40 inclusive, of paragraph (c) of subsection 1 of that section.

41 2. Distributions under an agreement required by subsection 1  
42 must:

43 (a) Be made not less frequently than once each calendar  
44 quarter; and

45 (b) Cease not later than June 30, 2051.





1     **Sec. 13. 1.** *Except as otherwise provided in this section, if*  
2 *the governing body of a county adopts an ordinance pursuant to*  
3 *section 9 or 10 of this act, the county:*

4     (a) *May issue, and upon the request of the owner of an event*  
5 *facility in a district created by an ordinance adopted pursuant to*  
6 *section 10 of this act shall issue, at one time or from time to time,*  
7 *bonds or notes as special obligations under the Local Government*  
8 *Securities Law to finance or refinance event facility projects*  
9 *within the district. Any such bonds or notes may be secured by a*  
10 *pledge of, and be payable from, any money pledged pursuant to*  
11 *section 9 or 10 of this act, as applicable, and received by the*  
12 *county with respect to the district or any revenue received by the*  
13 *county from any projects in the district, or any combination*  
14 *thereof.*

15     (b) *May enter into an agreement with one or more*  
16 *governmental entities or other persons to reimburse that entity or*  
17 *person for the cost of acquiring, improving or equipping, or any*  
18 *combination thereof, any event facility project within the district,*  
19 *which may contain such terms as are determined to be desirable*  
20 *by the governing body, including the payment of reasonable*  
21 *interest and other financing costs incurred by such entity or other*  
22 *person. Any such reimbursements may be secured by a pledge of,*  
23 *and be payable from, any money pledged pursuant to section 9 or*  
24 *10 of this act, as applicable, and received by the county with*  
25 *respect to the district or any revenue received by the county from*  
26 *any projects in the district, or any combination thereof. Such an*  
27 *agreement is not subject to the limitations of subsection 1 of NRS*  
28 *354.626 and may, at the option of the governing body, be binding*  
29 *on the county beyond the fiscal year in which it was made, only if*  
30 *the agreement pertains solely to one or more event facility projects*  
31 *that are owned by the county or another governmental entity.*

32     2. *The governing body of a municipality shall not provide any*  
33 *financing or reimbursement pursuant to this section for any event*  
34 *facility project that includes the relocation to a district, after the*  
35 *date of adoption of the ordinance creating the district, of any retail*  
36 *facilities of a retailer from another location outside of and within*  
37 *3 miles of the boundary of the district. Each pledge of money*  
38 *pursuant to this section shall be deemed to exclude any amounts*  
39 *attributable to the proceeds of any tax imposed pursuant to*  
40 *chapter 372 or 377 of NRS on any tangible personal property sold*  
41 *at retail, or stored, used or otherwise consumed, in the district*  
42 *during a fiscal year by a retailer who, after the date of adoption of*  
43 *the ordinance creating the district, relocates any of its retail*  
44 *facilities to the district from another location outside of and within*  
45 *3 miles of the boundary of the district.*





1       3. *Before the issuance of any bonds or notes pursuant to this*  
2 *section, the county must obtain the results of a feasibility study,*  
3 *commissioned by the county, which shows that a sufficient amount*  
4 *will be generated from money pledged pursuant to section 9 or 10*  
5 *of this act, as applicable, to make timely payment on the bonds or*  
6 *notes, taking into account the revenue from any other projects*  
7 *also pledged for the payment of the bonds or notes, if any.*

8       4. *A failure to make payments of any amounts due:*

9       (a) *With respect to any bonds or notes issued pursuant to*  
10 *subsection 1 for the financing or refinancing of an event facility*  
11 *project owned by a nongovernmental entity; or*

12       (b) *Under any agreements entered into pursuant to subsection*  
13 *1 to reimburse a nongovernmental entity for the cost of acquiring,*  
14 *improving or equipping, or any combination thereof, an event*  
15 *facility project,*

16       ↪ *because of any insufficiency in the amount of money pledged*  
17 *pursuant to section 9 or 10 of this act, as applicable, to make those*  
18 *payments shall be deemed not to constitute a default on those*  
19 *bonds, notes or agreements.*

20       5. *No bond, note or other agreement issued or entered into*  
21 *pursuant to this section:*

22       (a) *For the financing or refinancing of an event facility project*  
23 *owned by a nongovernmental entity; or*

24       (b) *To reimburse a nongovernmental entity for the cost of*  
25 *acquiring, improving or equipping, or any combination thereof,*  
26 *an event facility project,*

27       ↪ *may be secured by or payable from the general fund of the*  
28 *county, the power of the county to levy ad valorem property taxes,*  
29 *or any source other than any money pledged pursuant to section 9*  
30 *or 10 of this act, as applicable, and received by the county with*  
31 *respect to the district or any revenue received by the county from*  
32 *any projects in the district, or any combination thereof, or may*  
33 *ever become a general obligation of the county or a charge against*  
34 *its general credit or taxing powers, nor may any such bond, note*  
35 *or other agreement become a debt of the county for the purposes*  
36 *of any limitation on indebtedness.*

37       6. *Any bond or note issued pursuant to this section, including*  
38 *any bond or note issued to refund any such bond or note, must*  
39 *mature on or before, and any agreement entered into pursuant to*  
40 *this section must automatically terminate on or before, June 30,*  
41 *2051.*

42       **Sec. 14.** *1. At the end of each calendar quarter, the*  
43 *governing body of a county that has adopted an ordinance*  
44 *pursuant to section 10 of this act shall:*



1       (a) Determine, from the amount of the revenues pledged  
2 pursuant to that ordinance which it currently has in its possession,  
3 the amount of those revenues needed to carry out the provisions of  
4 section 13 of this act; and

5       (b) Require the county treasurer to remit the amount of those  
6 revenues that the governing body determines are not needed to  
7 carry out the provisions of section 13 of this act to the owner of an  
8 event facility in the district or, if there is more than one such event  
9 facility, to the owner of each such event facility on a pro rata basis  
10 in proportion to the amount of those revenues generated by each  
11 such event facility, as determined by the governing body.

12       2. The governing body of a county that has adopted an  
13 ordinance pursuant to section 9 or 10 of this act shall, at the end  
14 of the fiscal year in which occurs the 25th anniversary of the date  
15 of the adoption of the ordinance:

16       (a) Determine the amount, if any, of the revenues pledged  
17 pursuant to that ordinance that are not needed to carry out the  
18 provisions of section 13 of this act; and

19       (b) Amend the ordinance as appropriate to reduce the amount  
20 pledged to the amount needed to carry out the provisions of  
21 section 13 of this act.

22       **Sec. 15.** 1. Except as otherwise provided in this section and  
23 section 16 of this act and notwithstanding any other law to the  
24 contrary:

25       (a) Any contract or other agreement between the governing  
26 body of a county and a master developer of any event facility  
27 project that is owned by a governmental entity and financed in  
28 whole or in part pursuant to sections 3 to 16, inclusive, of this act  
29 which relates to or provides for the construction, improvement,  
30 repair, demolition, reconstruction, other acquisition, equipment,  
31 operation or maintenance of the event facility project is exempt  
32 from any law requiring competitive bidding or otherwise  
33 specifying procedures for the award of contracts for construction  
34 or other contracts, or specifying procedures for the procurement  
35 of goods or services.

36       (b) Any contract or other agreement relating to or providing  
37 for the construction, improvement, repair, demolition,  
38 reconstruction, other acquisition, equipment, operation or  
39 maintenance of any event facility project that is owned by a  
40 nongovernmental entity and financed in whole or in part pursuant  
41 to sections 3 to 16, inclusive, of this act is exempt from any law  
42 requiring competitive bidding or otherwise specifying procedures  
43 for the award of contracts for construction or other contracts, or  
44 specifying procedures for the procurement of goods or services.



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1       2. A person who enters into any contract or other agreement  
2 for the construction, improvement, repair, demolition or  
3 reconstruction of any event facility project that is paid for in whole  
4 or in part:

5       (a) From the proceeds of bonds or notes issued pursuant to  
6 paragraph (a) of subsection 1 of section 13 of this act; or

7       (b) Pursuant to an agreement for reimbursement entered into  
8 pursuant to paragraph (b) of subsection 1 of section 13 of this act,  
9       ↳ shall include in the contract or other agreement the contractual  
10 provisions and stipulations that are required to be included in a  
11 contract for a public work pursuant to the provisions of NRS  
12 338.013 to 338.090, inclusive. The governing body of the county,  
13 the contractor who is awarded the contract or enters into the  
14 agreement to perform the construction, improvement, repair,  
15 demolition or reconstruction, and any subcontractor who performs  
16 any portion of the contract or agreement, shall comply with the  
17 provisions of NRS 338.013 to 338.090, inclusive, in the same  
18 manner as if the governing body had undertaken the event facility  
19 project or had awarded the contract.

20       3. In a district created pursuant to:

21       (a) Section 9 of this act, the acquisition, equipment, operation  
22 and maintenance of any event facility project to be paid for in  
23 whole or in part:

24       (1) From the proceeds of bonds or notes issued pursuant to  
25 paragraph (a) of subsection 1 of section 13 of this act; or

26       (2) Pursuant to an agreement for reimbursement entered  
27 into pursuant to paragraph (b) of subsection 1 of section 13 of this  
28 act,

29       ↳ must comply with the provisions of the employment plan  
30 approved for the redevelopment area in which the district is  
31 located.

32       (b) Section 10 of this act, each proposal for an event facility  
33 project to be paid for in whole or in part:

34       (1) From the proceeds of bonds or notes issued pursuant to  
35 paragraph (a) of subsection 1 of section 13 of this act; or

36       (2) Pursuant to an agreement for reimbursement entered  
37 into pursuant to paragraph (b) of subsection 1 of section 13 of this  
38 act,

39       ↳ must, as appropriate for a particular project, include an  
40 employment plan. The governing body of the county may obligate  
41 lessees or purchasers of property acquired in the event facility  
42 project to comply with the provisions of an employment plan  
43 approved for the project.

44       4. An employment plan required by paragraph (b) of  
45 subsection 3 must include:



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1       (a) A description of the existing opportunities for employment  
2       within the district;

3       (b) A projection of the effect that the event facility project will  
4       have on opportunities for employment within the district; and

5       (c) A description of the manner in which an employer  
6       relocating a business into the district would plan to employ  
7       persons living within the area of operation of the business who:

8           (1) Are economically disadvantaged;

9           (2) Have a physical disability;

10          (3) Are members of racial minorities;

11          (4) Are veterans; or

12          (5) Are women.

13       **Sec. 16. 1.** Except as otherwise provided in subsection 2, a  
14       contractor or developer who enters into a contract for original  
15       construction or a contract for benefited construction shall:

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

18       (b) At least 2 business days before the first day of that  
19       advertisement, provide notice of that advertisement to the  
20       governing body of the county;

21       (c) Make available to all prospective bidders on the  
22       subcontract a written set of plans and specifications for the  
23       pertinent work;

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

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

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

35       (a) Any contract which is awarded by a county; or

36       (b) Any event facility project which is owned by a  
37       governmental entity.

38       3. A governing body of a county that receives a notice of an  
39       advertisement for bids pursuant to paragraph (b) of subsection 1:

40       (a) Shall, upon such receipt, post notice of the advertisement  
41       on an Internet website maintained by the county; and

42       (b) May otherwise provide notice of the advertisement to local  
43       trade organizations and the general public.



1     4. The governing body of a county shall ensure that each  
2 contractor and developer to whom the provisions of subsection 1  
3 apply complies with those provisions.

4     5. As used in this section:

5     (a) "Contract for benefited construction":

6         (1) Except as otherwise provided in subparagraphs (2) and  
7 (3), means any contract or other agreement for the construction,  
8 improvement, repair, demolition or reconstruction of any property  
9 which is located within a district and which benefits from any  
10 infrastructure improvements paid for in whole or in part:

11             (I) From the proceeds of bonds or notes issued pursuant  
12 to paragraph (a) of subsection 1 of section 13 of this act; or

13             (II) Pursuant to an agreement for reimbursement  
14 entered into pursuant to paragraph (b) of subsection 1 of section  
15 13 of this act.

16         (2) Except as otherwise provided in subparagraph (3) and  
17 unless the work is paid for in whole or in part with any public  
18 funding, does not include any:

19             (I) Contract or other agreement for the improvement,  
20 repair, demolition or reconstruction of any event facility project;

21             (II) Contract or other agreement with the original  
22 tenant of any leased property for any improvement of the property  
23 which is to be undertaken more than 60 months after the property  
24 is first made available for lease; or

25             (III) Contract or other agreement for the improvement  
26 of any leased property made with any tenant of the property other  
27 than the original tenant.

28         (3) Does not include any contract for original construction.

29     (b) "Contract for original construction" means any contract or  
30 other agreement for the construction, improvement, repair,  
31 demolition or reconstruction of any event facility project that is  
32 paid for in whole or in part:

33         (1) From the proceeds of bonds or notes issued pursuant to  
34 paragraph (a) of subsection 1 of section 13 of this act; or

35         (2) Pursuant to an agreement for reimbursement entered  
36 into pursuant to paragraph (b) of subsection 1 of section 13 of this  
37 act.

38     (c) "Original tenant" means the first tenant of any leased  
39 property after the property is first made available for lease.

40     **Sec. 17.** As used in sections 17 to 42, inclusive, of this act,  
41 except as otherwise provided in sections 18 to 30, inclusive, of this  
42 act or unless the context otherwise requires, the words and terms  
43 defined in NRS 396.812 to 396.838, inclusive, and sections 18 to  
44 30, inclusive, of this act have the meanings ascribed to them in  
45 those sections.



1     **Sec. 18.** *“Board” means the Board of Regents of the*  
2 *University of Nevada.*

3     **Sec. 19.** *“County” has the meaning ascribed to it in section 4*  
4 *of this act.*

5     **Sec. 20.** *“Designated tax” means any tax designated by an*  
6 *ordinance of a governing body pursuant to sections 17 to 42,*  
7 *inclusive, of this act as a tax which may be used to finance an*  
8 *event facility project, any other undertaking and the creation of a*  
9 *district.*

10    **Sec. 21.** *“District” means an event facility district created*  
11 *pursuant to section 32 of this act.*

12    **Sec. 22.** *“Event facility” has the meaning ascribed to it in*  
13 *section 6 of this act.*

14    **Sec. 23.** *“Event facility project” has the meaning ascribed to*  
15 *it in section 7 of this act.*

16    **Sec. 24.** *“Governing body” means the board of county*  
17 *commissioners of a county.*

18    **Sec. 25.** *“Pledged revenues” means all or a portion of any or*  
19 *all of the following to the extent so designated by the Board:*

20       1. *Any taxes deposited into the tax increment account.*

21       2. *Any fees imposed by the Board in lieu of any designated*  
22 *tax to make up for the amount of such a tax that is not collected as*  
23 *a result of a parcel of property, project, transaction or activity in a*  
24 *district being wholly or partially exempt from the tax.*

25       3. *Any revenues of an undertaking wholly or partially*  
26 *financed pursuant to sections 17 to 42, inclusive, of this act, or of*  
27 *any project or facility located in a district.*

28       4. *Any revenues provided by the Federal Government or any*  
29 *other government or person that may be used for the purposes of*  
30 *financing an undertaking pursuant to sections 17 to 42, inclusive,*  
31 *of this act.*

32       5. *Any money from any contract or other agreement between*  
33 *the Board and any governmental entity or any person pertaining*  
34 *to any undertaking or any securities issued under sections 17 to*  
35 *42, inclusive, of this act that may be used for the purpose of*  
36 *financing or refinancing an undertaking pursuant to sections 17*  
37 *to 42, inclusive, of this act.*

38    **Sec. 26.** *“System” has the meaning ascribed to it in*  
39 *NRS 396.005.*

40    **Sec. 27.** *“Tax” means a tax imposed pursuant to:*

41       1. *Chapter 361 of NRS;*

42       2. *Chapter 363B of NRS;*

43       3. *Chapter 368A of NRS;*

44       4. *Chapter 372 of NRS;*

45       5. *Chapter 377 of NRS; or*



6. Any law of this State on the gross receipts from the rental of transient lodging at an inn operated for use primarily by the students, faculty and staff of a university,  
↳ or any combination thereof.

Sec. 28. "Tax increment account" means an account created pursuant to section 39 of this act.

Sec. 29. "Undertaking" means any enterprise to acquire, improve, equip, operate or maintain, or any combination thereof, any event facility project or other project or facility that the Board determines to be necessary or desirable for the development or redevelopment of a university campus, including a project or facility that is located at the principal campus of a university, regardless of whether the project or facility is located in a district.

Sec. 30. "University" means a university that is part of the System.

Sec. 31. 1. If the Board determines that it is in the best interest of a university to acquire, improve, equip, operate or maintain an event facility project, engage in any other undertaking and create an event facility district, the Board shall:

(a) Adopt a resolution requesting the creation of an event facility district by the governing body of the county in which the principal campus of the university is located; and

(b) Mail a copy of the resolution by certified mail to the governing body.

2. A resolution adopted pursuant to this section must:

(a) Designate the area of the district or its location so that the various tracts of real property can be identified and determined to be within or without the proposed district, but need not describe in minute detail each tract of real property that is proposed to be included within the district;

(b) Indicate each specific tax that the Board desires the governing body to designate as a tax which may be used to finance an event facility project, any other undertaking and the creation of the district;

(c) Describe in general terms the event facility project and any other undertaking or types of undertakings which may be financed with pledged revenues, including, without limitation, any money in the tax increment account; and

(d) As appropriate for the particular event facility project, include an employment plan. The employment plan must include:

(1) A description of the existing opportunities for employment within the proposed district;

(2) A projection of the effect that the event facility project will have on opportunities for employment within the proposed district; and





(3) *A description of the manner in which an employer who relocates a business into the proposed district would plan to employ persons living within the area of operation of the business who:*

- (I) Are economically disadvantaged;*
- (II) Have a physical disability;*
- (III) Are members of racial minorities;*
- (IV) Are veterans; or*
- (V) Are women.*

**Sec. 32.** *1. A governing body that receives a resolution of the Board pursuant to section 31 of this act shall conduct a hearing to review the resolution not less than 30 and not more than 60 days after the receipt thereof. If the governing body approves the creation of an event facility district, the governing body shall adopt an ordinance creating the district not later than 60 days after that hearing. The ordinance:*

*(a) May not be adopted as if an emergency existed.*

*(b) Must designate the boundaries of the district, the event facility project and any other undertaking or types of undertakings as described in the resolution.*

*(c) Must designate which of the taxes set forth in the resolution may be used to finance the event facility project, any other undertaking and the creation of the district. The ordinance must not designate only a portion of any of those taxes for that purpose.*

*(d) May require the Board and any lessees or purchasers of property acquired in the event facility project to comply with the provisions of an employment plan submitted by the Board which the governing body approves for the event facility project.*

*2. If the governing body:*

*(a) Determines not to create an event facility district pursuant to this section, the governing body shall adopt a resolution to that effect and mail a copy of the resolution to the Board.*

*(b) Does not adopt an ordinance creating an event facility district within the period required by subsection 1, the governing body shall be deemed to have determined not to create an event facility district pursuant to this section.*

*3. If the governing body, within 60 days after the hearing held pursuant to subsection 1:*

*(a) Adopts a resolution setting forth its determination not to create an event facility district pursuant to this section, the Board shall not, within the next 6 months following the adoption of that resolution, again request the governing body to create an event facility district.*



*(b) Does not adopt a resolution setting forth its determination not to create an event facility district pursuant to this section, the Board may again request the governing body to create an event facility district at any time after that period.*

**Sec. 33.** *1. A governing body may create only one district pursuant to section 32 of this act. Except as authorized by section 35 of this act, after a governing body has created a district pursuant to section 32 of this act, the governing body shall not modify the types of undertakings which are authorized for the district, the boundaries of the district or the designated taxes for the district.*

*2. A governing body that adopts an ordinance creating a district pursuant to section 32 of this act shall not adopt an ordinance creating an event facility district pursuant to section 9 or 10 of this act.*

*3. At the end of the fiscal year in which occurs the 25th anniversary of the date of the adoption by a governing body of an ordinance creating a district pursuant to section 32 of this act, the Board, in cooperation with the governing body, shall:*

*(a) Determine whether any of the designated taxes are not needed to carry out the provisions of sections 17 to 42, inclusive, of this act; and*

*(b) Adopt a supplemental resolution pursuant to section 35 of this act requesting the governing body to remove the designation of any tax which is not needed to carry out the provisions of sections 17 to 42, inclusive, of this act.*

**Sec. 34.** *The area of a district created pursuant to section 32 of this act:*

*1. Must be contiguous, except for any public or utility rights-of-way.*

*2. Must be located entirely within the boundaries of the county. The district may be located partially or entirely within the boundaries of any city in the county.*

*3. Must include only property which, at the time of creation of the district or at the time the property is subsequently added to the district, is owned by or leased to the System, the Board, a university, or any nonprofit organization formed or existing pursuant to the provisions of NRS 396.405, 396.7992 or 396.801 or section 42 of this act.*

*4. Must not contain any property included in:*

*(a) Any improvement district established pursuant to chapter 271 of NRS for which any revenue is pledged pursuant to NRS 271.650;*

*(b) Any tourism improvement district established pursuant to chapter 271A of NRS;*



(c) Any tax increment area established pursuant to chapter 278C of NRS; or

(d) Any redevelopment area established pursuant to chapter 279 of NRS.

**Sec. 35. 1.** *If a governing body creates a district pursuant to section 32 of this act, the Board may adopt a supplemental resolution which requests the governing body to take any of the following measures, or any combination thereof:*

(a) *Modify the undertakings or types of undertakings which may be financed with pledged revenues;*

(b) *Modify the area of the district;*

(c) *Designate one or more additional taxes as a tax which may be used to finance an event facility project, any other undertaking and the creation of the district; or*

(d) *Remove the designation of a tax as a tax which may be used to finance an event facility project, any other undertaking and the creation of the district.*

**2.** *A supplemental resolution adopted pursuant to this section must contain the same level of detail as that required by subsection 2 of section 31 of this act with regard to any modification of the undertakings or types of undertakings which may be financed with pledged revenues, or of the area of the district.*

**3.** *If the Board adopts a supplemental resolution pursuant to this section:*

(a) *The Board must submit the resolution to the governing body in the same manner as a resolution adopted pursuant to section 31 of this act; and*

(b) *The governing body must review and take action on the supplemental resolution in the same manner and within the same period as a resolution received pursuant to section 32 of this act.*

**4.** *If the governing body adopts an ordinance pursuant to this section which adds any land to the district, the amount of taxes to be allocated to the tax increment account pursuant to section 38 of this act must be computed separately for the original area of the district and each addition of land thereto.*

**5.** *Real property must not be removed from the boundaries of a district if any securities or other obligations are outstanding under sections 17 to 42, inclusive, of this act to which any designated taxes derived from that real property are pledged.*

**6.** *A tax must not be removed from designation as a tax which may be used to finance an event facility project, any other undertaking and the creation of the district if any securities or other obligations are outstanding under sections 17 to 42, inclusive, of this act to which the tax is pledged.*



1     **Sec. 36.** *Any person or governmental entity may, not later*  
2 *than 30 days after the adoption of an ordinance by a governing*  
3 *body in accordance with section 32 or 35 of this act or the*  
4 *adoption of a resolution by the Board pursuant to section 31 or 35*  
5 *of this act, commence an action or suit in a court of competent*  
6 *jurisdiction to correct or set aside the ordinance or resolution*  
7 *upon the ground that the governing body or the Board acted*  
8 *fraudulently or in violation of the provisions of sections 17 to 42,*  
9 *inclusive, of this act, but on no other grounds. Upon the expiration*  
10 *of that period, all actions or suits attacking the validity of the*  
11 *ordinance or resolution are perpetually barred.*

12     **Sec. 37.** *1. Except as otherwise provided in this section and*  
13 *notwithstanding any other law to the contrary, any contract or*  
14 *other agreement between the System, or any nonprofit corporation*  
15 *formed pursuant to section 42 of this act, and a master developer*  
16 *of any event facility project financed in whole or in part pursuant*  
17 *to sections 17 to 42, inclusive, of this act which relates to or*  
18 *provides for the construction, improvement, repair, demolition,*  
19 *reconstruction, other acquisition, equipment, operation or*  
20 *maintenance of the event facility project is exempt from any law*  
21 *requiring competitive bidding or otherwise specifying procedures*  
22 *for the award of contracts for construction or other contracts, or*  
23 *specifying procedures for the procurement of goods or services.*

24     *2. The provisions of NRS 338.013 to 338.090, inclusive, apply*  
25 *to any contract or other agreement for construction work to be*  
26 *performed on an undertaking financed pursuant to sections 17 to*  
27 *42, inclusive, of this act, even if the estimated cost of the*  
28 *construction work is not greater than \$100,000 or the construction*  
29 *work does not qualify as a public work, as defined in subsection 15*  
30 *of NRS 338.010.*

31     **Sec. 38.** *1. Beginning on the first day of the next fiscal year*  
32 *following the effective date of an ordinance adopted by a*  
33 *governing body pursuant to section 32 or 35 of this act that*  
34 *designates a tax as a tax which may be used to finance an event*  
35 *facility project, any other undertaking and the creation of a*  
36 *district, the tax collected in the district each fiscal year must,*  
37 *except as otherwise provided in an agreement described in*  
38 *subsection 2 and notwithstanding any other statutory provision to*  
39 *the contrary, be distributed as follows:*

40     *(a) That portion of the tax which equals the lesser of:*

41     *(1) The dollar amount of the tax collected in the district for*  
42 *the current fiscal year; or*

43     *(2) The dollar amount of the tax collected in the district for*  
44 *the fiscal year in which occurs the effective date of the ordinance*  
45 *designating the tax as a tax which may be used to finance an event*



1 facility project, any other undertaking and the creation of a  
2 district, or, in the case of a designated tax collected in an area  
3 added to the district after its creation, the effective date of the  
4 ordinance adding the area to the district after its creation,  
5 ↪ must be distributed in the same manner as it was before the  
6 effective date of the ordinance designating the tax as a tax which  
7 may be used to finance an event facility project, any other  
8 undertaking and the creation of a district.

9 (b) That portion of the tax in excess of the amount described in  
10 paragraph (a) must be deposited in the tax increment account for  
11 the district.

12 2. The Board shall enter into an agreement with each agency  
13 or governmental entity that collects a designated tax which  
14 describes the details of disbursement of the tax to the tax  
15 increment account. The agreement must provide that:

16 (a) The disbursement of any tax which is designated for  
17 disbursement to the tax increment account must occur not later  
18 than 3 months after the tax is collected; and

19 (b) The agency or governmental entity which collects the tax  
20 may retain 1 percent of the tax which is collected and intended for  
21 distribution to the tax increment account as an administrative fee  
22 for collecting and remitting the tax.

23 **Sec. 39. 1.** Upon the creation of a district pursuant to  
24 section 32 of this act, the Board shall establish a tax increment  
25 account for the district.

26 2. Any money in the tax increment account must be expended  
27 in the following order of priority:

28 (a) For the payment and performance of any obligations under  
29 any securities issued pursuant to section 40 of this act;

30 (b) To defray in whole or in part any other costs with respect to  
31 any undertaking, including, without limitation, the reimbursement  
32 of amounts paid or advanced by third parties to cover costs  
33 incurred in connection with the undertaking; and

34 (c) For any other purpose regarding which the Board is  
35 authorized by law to expend money.

36 3. The Board may by resolution establish subaccounts within  
37 the tax increment account for such purposes as the Board  
38 determines to be appropriate.

39 **Sec. 40. 1.** Except as otherwise provided in this section:

40 (a) The Board may make and enter into any and all contracts  
41 and agreements it deems necessary or desirable pertaining to an  
42 undertaking, including without limitation, agreements requiring  
43 the reimbursement from all or any portion of the pledged revenues  
44 of amounts paid or advanced by third parties to cover costs  
45 incurred in connection with the undertaking. The Board may



pledge all or any portion of the pledged revenues to secure the payment and performance of any obligations under such a contract or agreement, on such terms as may be approved by the Board.

(b) To defray in whole or in part any cost of any undertaking, the Board may issue revenue securities that are payable from all or any portion of the pledged revenues. The Board may further pledge all or any portion of the pledged revenues to secure payment and performance of any obligations under any securities so issued, on such terms as may be approved by the Board.

2. The Board shall not provide any financing or reimbursement pursuant to this section for any event facility project that includes the relocation to a district, after the date of adoption of the ordinance creating the district, of any retail facilities of a retailer from another location outside of and within 3 miles of the boundary of the district. For the purposes of this section, the Board shall not designate as pledged revenues any amounts attributable to the proceeds of any tax imposed pursuant to chapter 372 or 377 of NRS on any tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year by a retailer who, after the date of adoption of the ordinance creating the district, relocates any of its retail facilities to the district from another location outside of and within 3 miles of the boundary of the district.

3. No revenue securities issued pursuant to this section may be payable from or secured by student fees which are paid by students to attend a university. Any pledge or use of revenues to secure or pay securities issued under this section must not violate any covenants concerning revenues that are pledged to any other securities of the System.

4. Securities issued pursuant to this section must be issued pursuant to the University Securities Law, except that the provisions of NRS 396.828, 396.8395, 396.840 and 396.856 do not apply.

5. The use of any money collected from taxes and deposited into the tax increment account to make payments on, and the pledge of such money to secure, any contract or agreement entered into pursuant to this section or any security issued pursuant to this section must automatically terminate at or before the end of the fiscal year in which occurs the 40th anniversary of the date of the issuance of any securities pursuant to this section.

**Sec. 41.** Notwithstanding any provision of chapter 271, 271A, 278C or 279 of NRS to the contrary, none of the property that is included in a district and, unless otherwise approved by the Board, none of the property that is owned by or leased to the



1 *System, the Board, a university, or any nonprofit organization*  
2 *formed or existing pursuant to the provisions of NRS 396.405,*  
3 *396.7992 or 396.801 or section 42 of this act, may, after the*  
4 *effective date of this section, be placed into:*

5 *1. Any improvement district established pursuant to chapter*  
6 *271 of NRS for which any revenue is pledged pursuant to*  
7 *NRS 271.650;*

8 *2. Any tourism improvement district established pursuant to*  
9 *chapter 271A of NRS;*

10 *3. Any tax increment area established pursuant to chapter*  
11 *278C of NRS; or*

12 *4. Any redevelopment area established pursuant to chapter*  
13 *279 of NRS.*

14 **Sec. 42.** *1. The Board may organize a nonprofit*  
15 *corporation pursuant to chapter 82 of NRS to carry out all or any*  
16 *of the powers and duties of the Board under sections 17 to 42,*  
17 *inclusive, of this act, except that the following actions may only be*  
18 *taken by the Board:*

19 *(a) The adoption of a resolution pursuant to section 31 or 35*  
20 *of this act.*

21 *(b) The imposition of any fees in lieu of any designated tax*  
22 *described in subsection 2 of section 25 of this act.*

23 *(c) The determination of the composition of any pledged*  
24 *revenues available to secure and pay securities issued pursuant to*  
25 *section 40 of this act.*

26 *(d) The use of any money in the tax increment account which*  
27 *is not needed for the purposes specified in subsection 1 or 2 of*  
28 *section 40 of this act.*

29 *(e) Any action that the Board is authorized or required to take*  
30 *pursuant to this section.*

31 *2. The nonprofit corporation:*

32 *(a) Constitutes a public instrumentality and a body corporate*  
33 *and politic of the State.*

34 *(b) Must be governed by a board of directors appointed by the*  
35 *Board. The members of the board of directors may be removed*  
36 *and replaced by the Board at any time, with or without cause.*

37 *3. The term, qualifications and number of members of the*  
38 *board of directors of the nonprofit corporation must be determined*  
39 *by the Board. The Board may appoint one or more of its members*  
40 *to the board of directors of the nonprofit corporation.*

41 *4. The creation and modification of the articles of*  
42 *incorporation and bylaws of the nonprofit corporation must be*  
43 *approved by the Board.*





1       5. *Upon the dissolution of the nonprofit corporation, all the*  
2 *property of the nonprofit corporation becomes the property of the*  
3 *System.*

4       6. *Subject to any limitations placed on the nonprofit*  
5 *corporation by the Board, the nonprofit corporation has the power*  
6 *to issue any securities that the Board is authorized to issue*  
7 *pursuant to section 40 of this act in the same manner and for the*  
8 *same purposes, which are hereby declared to be public purposes,*  
9 *to enter into contracts, and to acquire, lease and sell property.*  
10 *None of the earnings of the nonprofit corporation may ever inure*  
11 *or be paid to any private person.*

12       7. *The Board may enter into a contract with the nonprofit*  
13 *corporation pursuant to which all or any portion of the pledged*  
14 *revenues is transferred to the nonprofit corporation at the time*  
15 *and in the manner provided for in the contract. The nonprofit*  
16 *corporation may pledge those revenues to the securities issued by*  
17 *the nonprofit corporation.*

18       8. *The board of directors of the nonprofit corporation*  
19 *constitutes a public body for the purposes of chapter 241 of NRS.*

20       9. *The nonprofit corporation constitutes a governmental*  
21 *entity for the purposes of chapter 239 of NRS.*

22       10. *The property and transactions of the nonprofit*  
23 *corporation are exempt from taxation by the State and any*  
24 *political subdivision of the State to the same extent as the property*  
25 *and transactions of the System are exempt.*

26       **Sec. 43.** NRS 237.060 is hereby amended to read as follows:

27       237.060 1. "Rule" means:

28       (a) An ordinance by the adoption of which the governing body  
29 of a local government exercises legislative powers; and

30       (b) An action taken by the governing body of a local  
31 government that imposes, increases or changes the basis for the  
32 calculation of a fee that is paid in whole or in substantial part by  
33 businesses.

34       2. "Rule" does not include:

35       (a) An action taken by the governing body of a local  
36 government that imposes, increases or changes the basis for the  
37 calculation of:

38       (1) Special assessments imposed pursuant to chapter 271 of  
39 NRS;

40       (2) Impact fees imposed pursuant to chapter 278B of NRS;

41       (3) Fees for remediation imposed pursuant to chapter 540A  
42 of NRS;

43       (4) Taxes ad valorem;

44       (5) Sales and use taxes; or



\* S B 5 0 1 \*

(6) A fee that has been negotiated pursuant to a contract between a business and a local government.

(b) An action taken by the governing body of a local government that approves, amends or augments the annual budget of the local government.

(c) An ordinance adopted by the governing body of a local government pursuant to a provision of chapter 271, 271A, 278, 278A, 278B or 350 of NRS ~~§~~ *or sections 2 to 42, inclusive, of this act.*

(d) An ordinance adopted by or action taken by the governing body of a local government that authorizes or relates to the issuance of bonds or other evidence of debt of the local government.

**Sec. 44.** Chapter 271 of NRS is hereby amended by adding thereto a new section to read as follows:

*“Event facility project” has the meaning ascribed to it in section 7 of this act.*

**Sec. 45.** NRS 271.030 is hereby amended to read as follows:

271.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 271.035 to 271.250, inclusive, *and section 44 of this act* have the meanings ascribed to them in those sections.

**Sec. 46.** NRS 271.265 is hereby amended to read as follows:

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

(a) A commercial area vitalization project;

(b) A curb and gutter project;

(c) A drainage project;

(d) An energy efficiency improvement project;

(e) *An event facility project;*

~~(f)~~ (f) An off-street parking project;

~~(g)~~ (g) An overpass project;

~~(h)~~ (h) A park project;

~~(i)~~ (i) A public safety project;

~~(j)~~ (j) A renewable energy project;

~~(k)~~ (k) A sanitary sewer project;

~~(l)~~ (l) A security wall;

~~(m)~~ (m) A sidewalk project;

~~(n)~~ (n) A storm sewer project;

~~(o)~~ (o) A street project;

~~(p)~~ (p) A street beautification project;

~~(q)~~ (q) A transportation project;

~~(r)~~ (r) An underpass project;



- ~~[(s)]~~ (s) A water project; and  
~~[(s)]~~ (t) Any combination of such projects.

2. In addition to the power specified in subsection 1, the governing body of a city having a commission form of government as defined in NRS 267.010, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) An electrical project;  
(b) A telephone project;  
(c) A combination of an electrical project and a telephone project;  
(d) A combination of an electrical project or a telephone project with any of the projects, or any combination thereof, specified in subsection 1; and

(e) A combination of an electrical project and a telephone project with any of the projects, or any combination thereof, specified in subsection 1.

3. In addition to the power specified in subsections 1 and 2, the governing body of a municipality, on behalf of the municipality and in its name, without an election, may finance an underground conversion project with the approval of each service provider that owns the overhead service facilities to be converted.

4. In addition to the power specified in subsections 1, 2 and 3, if the governing body of a municipality in a county whose population is less than 400,000 complies with the provisions of NRS 271.650, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) An art project; and  
(b) A tourism and entertainment project.

**Sec. 47.** Chapter 360 of NRS is hereby amended by adding thereto the provisions set forth as sections 48, 49 and 50 of this act.

**Sec. 48. 1. *The State Controller, acting upon the collection data furnished by the Department and the State Gaming Control Board, shall remit to the governing body of a county that adopts an ordinance pursuant to section 9 of this act, in the manner provided pursuant to an agreement made pursuant to section 12 of this act:***

***(a) From the State General Fund the amount of money pledged pursuant to the ordinance in accordance with:***



1       (1) Sub-subparagraph (I) of subparagraph (1) of paragraph  
2 (c) of subsection 1 of section 9 of this act, which amount is hereby  
3 appropriated for that purpose;

4       (2) Subparagraph (2) of paragraph (c) of subsection 1 of  
5 section 9 of this act, which amount is hereby appropriated for that  
6 purpose; and

7       (3) Paragraph (d) of subsection 1 of section 9 of this act,  
8 which amount is hereby appropriated for that purpose; and

9       (b) From the Sales and Use Tax Account in the State General  
10 Fund the amount of the proceeds pledged pursuant to the  
11 ordinance in accordance with sub-subparagraph (II) of  
12 subparagraph (1) of paragraph (c) of subsection 1 of section 9 of  
13 this act.

14       2. Except as otherwise provided in subsection 3, the  
15 governing body of a county that adopts an ordinance pursuant to  
16 section 9 of this act shall at the end of each fiscal year remit to the  
17 State Controller any amount received pursuant to this section in  
18 excess of the amount required to make payments due during that  
19 fiscal year of the principal of, interest on, and other payments or  
20 security-related costs with respect to, any bonds or notes issued  
21 pursuant to section 13 of this act and payments due during that  
22 fiscal year under any agreements made pursuant to section 13 of  
23 this act. The State Controller shall deposit any money received  
24 from a governing body of a county pursuant to this subsection in  
25 the appropriate account in the State General Fund for distribution  
26 and use as if the money had not been pledged by an ordinance  
27 adopted pursuant to section 9 of this act, in the following order of  
28 priority:

29       (a) First, to the State General Fund to the extent that the  
30 money would not have been appropriated, if not for the pledge of  
31 the money pursuant to that ordinance, pursuant to paragraph (a)  
32 of subsection 1 for the fiscal year in which the State Controller  
33 receives the money; and

34       (b) Second, to the credit of any other funds and accounts to  
35 which the money would have been distributed, if not for the pledge  
36 of the money pursuant to that ordinance, for the fiscal year in  
37 which the State Controller receives the money.

38       3. The provisions of subsection 2 do not require a governing  
39 body to remit to the State Controller any money received pursuant  
40 to this section and expended for the purpose of prepaying,  
41 defeasing or otherwise retiring all or a portion of any bonds or  
42 notes issued pursuant to section 13 of this act or of prepaying  
43 amounts due under any agreements entered into pursuant to  
44 section 13 of this act, or any combination thereof, with respect to  
45 an event facility district if that use of the money has been



1 *authorized by the governing body in the ordinance creating the*  
2 *district pursuant to section 9 of this act, or in an amendment*  
3 *thereto.*

4 *4. The Nevada Tax Commission may adopt such regulations*  
5 *as it deems appropriate to ensure the proper collection and*  
6 *distribution of any money pledged by an ordinance adopted*  
7 *pursuant to section 9 of this act relating to any taxes collected by*  
8 *the Department.*

9 *5. The Nevada Gaming Commission may adopt such*  
10 *regulations as it deems appropriate to ensure the proper collection*  
11 *and distribution of any money pledged by an ordinance adopted*  
12 *pursuant to section 9 of this act relating to any taxes collected by*  
13 *the State Gaming Control Board. The regulations must be adopted*  
14 *in accordance with the provisions of chapter 233B of NRS and*  
15 *must be codified in the Nevada Administrative Code.*

16 **Sec. 49.** *1. The State Controller, acting upon the collection*  
17 *data furnished by the Department, shall remit to the governing*  
18 *body of a county that adopts an ordinance pursuant to section 10*  
19 *of this act, in the manner provided pursuant to an agreement*  
20 *made pursuant to section 12 of this act:*

21 *(a) From the State General Fund the amount of money*  
22 *pledged pursuant to the ordinance in accordance with:*

23 *(1) Subparagraph (1) of paragraph (c) of subsection 1 of*  
24 *section 10 of this act, which amount is hereby appropriated for*  
25 *that purpose;*

26 *(2) Subparagraph (2) of paragraph (c) of subsection 1 of*  
27 *section 10 of this act, which amount is hereby appropriated for*  
28 *that purpose; and*

29 *(3) Subparagraph (3) of paragraph (c) of subsection 1 of*  
30 *section 10 of this act, which amount is hereby appropriated for*  
31 *that purpose; and*

32 *(b) From the Sales and Use Tax Account in the State General*  
33 *Fund the amount of the proceeds pledged pursuant to the*  
34 *ordinance in accordance with subparagraph (4) of paragraph (c)*  
35 *of subsection 1 of section 10 of this act.*

36 *2. The Nevada Tax Commission may adopt such regulations*  
37 *as it deems appropriate to ensure the proper collection and*  
38 *distribution of any money pledged by an ordinance adopted*  
39 *pursuant to section 10 of this act.*

40 **Sec. 50.** *1. If the governing body of a county adopts an*  
41 *ordinance pursuant to section 32 of this act, the State Controller,*  
42 *acting upon the collection data furnished by the Department and*  
43 *the State Gaming Control Board, and notwithstanding any other*  
44 *provision of law to the contrary, shall remit to the Board of*  
45 *Regents of the University of Nevada, in the manner provided*



1 *pursuant to an agreement made pursuant to subsection 2 of*  
2 *section 38 of this act:*

3 *(a) From the State General Fund the amount of any money*  
4 *required to be deposited into the tax increment account for the*  
5 *district pursuant to section 38 of this act:*

6 *(1) From the proceeds of a tax imposed pursuant to chapter*  
7 *363B of NRS, which amount is hereby appropriated for that*  
8 *purpose; and*

9 *(2) From the proceeds of a tax imposed pursuant to chapter*  
10 *368A of NRS, which amount is hereby appropriated for that*  
11 *purpose;*

12 *(b) From the Sales and Use Tax Account in the State General*  
13 *Fund the amount of any money required to be deposited into the*  
14 *tax increment account for the district pursuant to section 38 of*  
15 *this act:*

16 *(1) From the proceeds of a tax imposed pursuant to chapter*  
17 *372 of NRS, which amount is hereby appropriated for that*  
18 *purpose; and*

19 *(2) From the proceeds of a tax imposed pursuant to chapter*  
20 *377 of NRS; and*

21 *(c) From the appropriate fund in the State Treasury the*  
22 *amount of any state money required to be deposited into the tax*  
23 *increment account for the district pursuant to section 38 of this act*  
24 *from the proceeds of a tax on the gross receipts from the rental of*  
25 *transient lodging, which amount is hereby appropriated for that*  
26 *purpose.*

27 *2. The Nevada Tax Commission may adopt such regulations*  
28 *as it deems appropriate to ensure the proper collection and*  
29 *distribution of any money required to be deposited into the tax*  
30 *increment account for a district pursuant to section 38 of this act*  
31 *from the proceeds of any taxes collected by the Department.*

32 *3. The Nevada Gaming Commission may adopt such*  
33 *regulations as it deems appropriate to ensure the proper collection*  
34 *and distribution of any money required to be deposited into the tax*  
35 *increment account for a district pursuant to section 38 of this act*  
36 *from the proceeds of any taxes collected by the State Gaming*  
37 *Control Board. The regulations must be adopted in accordance*  
38 *with the provisions of chapter 233B of NRS and must be codified*  
39 *in the Nevada Administrative Code.*

40 **Sec. 51.** NRS 361.4733 is hereby amended to read as follows:

41 361.4733 1. The Committee on Local Government Finance  
42 shall adopt:

43 (a) Such regulations as it determines to be appropriate to provide  
44 for the allocation among the appropriate taxing entities of the  
45 amount of any reduction in the ad valorem taxes levied on a parcel



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1 or other taxable unit of real property as a result of the application of  
2 NRS 361.4722, 361.4723 and 361.4724, in accordance with the  
3 principles that:

4 (1) Any reduction in the ad valorem taxes levied on a parcel  
5 or other taxable unit of real property as a result of the application of  
6 NRS 361.4722, 361.4723 and 361.4724 which is caused by an  
7 increase in the rate of taxes imposed by one or more taxing entities  
8 should be allocated to the taxing entities that would have received  
9 the benefit of that increase in proportion to the relative amount of  
10 benefit that otherwise would have been received from that increase;

11 (2) Any increase in the rate of ad valorem taxes imposed by a  
12 taxing entity should not affect the amount of ad valorem taxes  
13 received by other taxing entities, except for redevelopment agencies  
14 , ~~land~~ tax increment areas *and event facility districts* whose  
15 property tax receipts depend on the tax rate of the taxing entity that  
16 increases its rate of taxes and whose territory is included, in whole  
17 or in part, in the territory of the taxing entity that increases its rate of  
18 taxes; and

19 (3) A taxing entity that does not increase its rate of ad  
20 valorem taxes should not be allocated any reduction in the ad  
21 valorem taxes levied on a parcel or other taxable unit of real  
22 property as a result of the application of NRS 361.4722, 361.4723  
23 and 361.4724, except for any reduction caused by an increase in the  
24 assessed value of that parcel or other taxable unit of real property;  
25 and

26 (b) Subject to the principles set forth in paragraph (a):

27 (1) Such regulations as it determines to be appropriate for the  
28 administration and interpretation of the provisions of NRS  
29 361.4732; and

30 (2) Regulations which provide methodologies for allocating  
31 among the appropriate taxing entities the amount of any reduction in  
32 the ad valorem taxes levied on a parcel or other taxable unit of real  
33 property as a result of the application of NRS 361.4722, 361.4723  
34 and 361.4724 if the property is included in or excluded from the  
35 boundaries of a redevelopment area, tax increment area , *event*  
36 *facility district* or taxing entity after June 14, 2005.

37 2. Any regulations adopted by the Committee on Local  
38 Government Finance pursuant to this section must be adopted in the  
39 manner prescribed for state agencies in chapter 233B of NRS.

40 **Sec. 52.** NRS 377.050 is hereby amended to read as follows:

41 377.050 1. All fees, taxes, interest and penalties imposed and  
42 all amounts of tax required to be paid to counties under this chapter  
43 must be paid to the Department in the form of remittances made  
44 payable to the Department.





2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall, *after making the distributions required by sections 49 and 50 of this act and* before making the distributions required by NRS 360.850, 360.855, 377.055 and 377.057, *and section 48 of this act*, monthly transfer from the Sales and Use Tax Account 1.75 percent of all fees, taxes, interests and penalties collected pursuant to this chapter during the preceding month to the appropriate account in the State General Fund as compensation to the State for the cost of collecting the tax.

**Sec. 53.** NRS 377.055 is hereby amended to read as follows:

377.055 The Department shall monthly determine for each county an amount of money equal to the sum of:

1. Any fees and any taxes, interest and penalties which derive from the basic city-county relief tax collected in that county pursuant to this chapter during the preceding month, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050; and

2. That proportion of the total amount of taxes which derive from that portion of the tax levied at the rate of one-half of 1 percent collected pursuant to this chapter during the preceding month from out-of-state businesses not maintaining a fixed place of business within this State, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050, which the population of that county bears to the total population of all counties which have in effect a city-county relief tax ordinance,

➔ and, except as otherwise required to carry out NRS 360.850 and 360.855, *and sections 48, 49 and 50 of this act*, deposit the money in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective subaccounts of each county.

**Sec. 54.** NRS 377.057 is hereby amended to read as follows:

377.057 1. The State Controller, acting upon the relevant information furnished by the Department, shall distribute monthly from the fees, taxes, interest and penalties which derive from the supplemental city-county relief tax collected in all counties and from out-of-state businesses during the preceding month, excluding any amounts required to be remitted pursuant to NRS 360.850 and 360.855 *and sections 48, 49 and 50 of this act*, and except as otherwise provided in subsection 2, to:

(a) Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine counties, an amount equal to one-twelfth of the amount distributed in the immediately preceding fiscal year multiplied by one plus:



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(1) The percentage change in the total receipts from the supplemental city-county relief tax for all counties and from out-of-state businesses, from the fiscal year 2 years preceding the immediately preceding fiscal year to the fiscal year preceding the immediately preceding fiscal year; or

(2) Except as otherwise provided in this paragraph, the percentage change in the population of the county, as certified by the Governor pursuant to NRS 360.285, added to the percentage change in the Consumer Price Index for the year ending on December 31 next preceding the year of distribution,

↳ whichever is less, except that the amount distributed to the county must not be less than the amount specified in subsection 5. If the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the Governor pursuant to NRS 360.285, the percentage change calculated pursuant to subparagraph (2) for the ensuing fiscal year must be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) All other counties, the amount remaining after making the distributions required by paragraph (a) to each of these counties in the proportion that the amount of supplemental city-county relief tax collected in the county for the month bears to the total amount of supplemental city-county relief tax collected for that month in the counties whose distribution will be determined pursuant to this paragraph.

2. If the amount of supplemental city-county relief tax collected in a county listed in paragraph (a) of subsection 1 for the 12 most recent months for which information concerning the actual amount collected is available on February 15 of any year exceeds by more than 10 percent the amount distributed pursuant to paragraph (a) to that county for the same period, the State Controller shall distribute that county's portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (b) of subsection 1 in all subsequent fiscal years, unless a waiver is granted pursuant to subsection 3.

3. A county which, pursuant to subsection 2, is required to have its portion of the proceeds from the supplemental city-county relief tax distributed pursuant to paragraph (b) of subsection 1 may file a request with the Nevada Tax Commission for a waiver of the requirements of subsection 2. The request must be filed on or before February 20 next preceding the fiscal year for which the county will first receive its portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (b) of subsection 1 and must be accompanied by evidence which supports the granting of the



1 waiver. The Commission shall grant or deny a request for a waiver  
2 on or before March 10 next following the timely filing of the  
3 request. If the Commission determines that the increase in  
4 the amount of supplemental city-county relief tax collected in the  
5 county was primarily caused by:

6 (a) Nonrecurring taxable sales, it shall grant the request.

7 (b) Normal or sustainable growth in taxable sales, it shall deny  
8 the request.

9 ➔ A county which is granted a waiver pursuant to this subsection is  
10 not required to obtain a waiver in any subsequent fiscal year to  
11 continue to receive its portion of the proceeds from the  
12 supplemental city-county relief tax pursuant to paragraph (a) of  
13 subsection 1 unless the amount of supplemental city-county relief  
14 tax collected in the county in a fiscal year again exceeds the  
15 threshold established in subsection 2.

16 4. The amount apportioned to each county must be deposited in  
17 the Local Government Tax Distribution Account created by NRS  
18 360.660 for credit to the respective accounts of each county.

19 5. The minimum amount which may be distributed to the  
20 following counties in a month pursuant to paragraph (a) of  
21 subsection 1 is as follows:

22	
23	Douglas .....\$580,993
24	Esmeralda.....53,093
25	Lander .....155,106
26	Lincoln .....72,973
27	Lyon .....356,858
28	Mineral .....118,299
29	Nye .....296,609
30	Pershing.....96,731
31	Storey .....69,914
32	White Pine.....158,863
33	

34 6. As used in this section, unless the context otherwise  
35 requires:

36 (a) "Enterprise district" has the meaning ascribed to it in  
37 NRS 360.620.

38 (b) "Local government" has the meaning ascribed to it in  
39 NRS 360.640.

40 (c) "Special district" has the meaning ascribed to it in  
41 NRS 360.650.

42 **Sec. 55.** 1. The governing body of a county shall, not later  
43 than October 1, 2011, start accepting requests to create an event  
44 facility district pursuant to sections 2 to 42, inclusive, of this act.



1        2. The governing body of a county that creates an event facility  
2 district pursuant to sections 2 to 42, inclusive, of this act shall  
3 require the commencement of actual construction of an event  
4 facility project within the district not later than 18 months after the  
5 date of adoption of the ordinance creating the district.

6        3. Notwithstanding any provision of this act to the contrary, the  
7 governing body of a county shall not adopt an ordinance creating an  
8 event facility district pursuant to sections 2 to 42, inclusive, of this  
9 act unless the governing body finds that, at the time of the adoption  
10 of the ordinance, the completion of the proposed event facility  
11 project and the proposed financing for that project are both  
12 reasonably viable.

13        4. For the purposes of this section, the words and terms defined  
14 in sections 4, 6, 7 and 8 of this act have the meanings ascribed to  
15 them in those sections.

16        **Sec. 56.** This act becomes effective upon passage and approval  
17 and expires by limitation on June 30, 2061.

