

Assembly Bill No. 25—Committee
on Government Affairs

CHAPTER.....

AN ACT relating to the residential construction tax; revising provisions governing the authorized uses of the tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the city council of any city or the board of county commissioners of any county which has adopted a master plan and recreation plan which includes, as a part of the plan, future or present sites for neighborhood parks to impose, by ordinance, a residential construction tax. Money collected through the tax may only be used for the acquisition, improvement and expansion of neighborhood parks or the installation of facilities in existing or neighborhood parks and must be expended for the benefit of the neighborhood from which it was collected. (NRS 278.4983) This bill additionally authorizes the use of money collected through the tax for the improvement of park facilities and specifies that improvement includes the expansion, modification, redesign, redevelopment or enhancement of existing facilities or the installation of new or additional facilities. This bill clarifies that the parks and related facilities that are acquired, improved, expanded or installed, as applicable, with the money collected through the tax must be attributable to the new construction or development for which the money was collected. This bill also specifies that the money collected through the tax: (1) must be expended within the park district from which it was collected; and (2) must not be expended for maintenance or operational expenses.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 278.4983 is hereby amended to read as follows:

278.4983 1. The city council of any city or the board of county commissioners of any county which has adopted a master plan and recreation plan, as provided in this chapter, which includes, as a part of the plan, future or present sites for neighborhood parks may, by ordinance, impose a residential construction tax pursuant to this section.

2. If imposed, the residential construction tax must be imposed on the privilege of constructing apartment houses and residential dwelling units and developing mobile home lots in the respective cities and counties. The rate of the tax must not exceed:

(a) With respect to the construction of apartment houses and residential dwelling units, 1 percent of the valuation of each building permit issued or \$1,000 per residential dwelling unit,



whichever is less. For the purpose of the residential construction tax, the city council of the city or the board of county commissioners of the county shall adopt an ordinance basing the valuation of building permits on the actual costs of residential construction in the area.

(b) With respect to the development of mobile home lots, for each mobile home lot authorized by a lot development permit, 80 percent of the average residential construction tax paid per residential dwelling unit in the respective city or county during the calendar year next preceding the fiscal year in which the lot development permit is issued.

3. The purpose of the tax is to raise revenue to enable the cities and counties to provide neighborhood parks and facilities for parks which are required by the residents of those apartment houses, mobile homes and residences.

4. An ordinance enacted pursuant to subsection 1 must establish the procedures for collecting the tax, set its rate, and determine the purposes for which the tax is to be used, subject to the restrictions and standards provided in this chapter. The ordinance must, without limiting the general powers conferred in this chapter, also include:

(a) Provisions for the creation, in accordance with the applicable master plan, of park districts which would serve neighborhoods within the city or county.

(b) A provision for collecting the tax at the time of issuance of a building permit for the construction of any apartment houses or residential dwelling units, or a lot development permit for the development of mobile home lots.

5. All residential construction taxes collected pursuant to the provisions of this section and any ordinance enacted by a city council or board of county commissioners, and all interest accrued on the money, must be placed with the city treasurer or county treasurer in a special fund. Except as otherwise provided in subsection 6, the money in the fund may only be used for ~~the~~ :

(a) *The* acquisition, improvement and expansion of neighborhood parks ; or ~~the~~

(b) *The* installation *or improvement* of facilities in existing or neighborhood parks in the city or county ~~the~~ ,

↳ that are attributable to the new construction or development for which the money was collected. Money in the fund must be expended ~~for the benefit of the neighborhood~~ *within the park district* from which it was collected ~~the~~ *and must not be expended for maintenance or operational expenses.*



6. If a neighborhood park has not been developed or facilities have not been installed in an existing park in the park district created to serve the neighborhood in which the subdivision or development is located within 3 years after the date on which 75 percent of the residential dwelling units authorized within that subdivision or development first became occupied, all money paid by the subdivider or developer, together with interest at the rate at which the city or county has invested the money in the fund, must be refunded to the owners of the lots in the subdivision or development at the time of the reversion on a pro rata basis.

7. The limitation of time established pursuant to subsection 6 is suspended for any period, not to exceed 1 year, during which this State or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development of a park or installation of facilities.

8. For the purposes of this section:

(a) "Facilities" means turf, trees, irrigation, playground apparatus, playing fields, areas to be used for organized amateur sports, play areas, picnic areas, horseshoe pits and other recreational equipment or appurtenances designed to serve the natural persons, families and small groups from the neighborhood from which the tax was collected.

(b) *"Improvement of facilities" means the expansion, modification, redesign, redevelopment or enhancement of existing facilities or the installation of new or additional facilities.*

(c) "Neighborhood park" means a site not exceeding 25 acres, designed to serve the recreational and outdoor needs of natural persons, families and small groups.

Sec. 2. This act becomes effective upon passage and approval.

