

Amendment No. 281

Senate Amendment to Senate Bill No. 310	(BDR 22-827)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MSN/JWP



Date: 4/10/2015

S.B. No. 310—Revises provisions relating to local government financing.
(BDR 22-827)



SENATE BILL NO. 310—SENATOR KIECKHEFER

MARCH 16, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to local government financing.
(BDR 22-827)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

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

AN ACT relating to local government financing; extending the termination date of certain tourism improvement districts; revising provisions governing the use of certain proceeds from the local school support tax to finance or reimburse a tourism improvement district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the adoption by a city or county of an ordinance creating a tourism improvement district and for the pledge of certain tax revenues generated within the district to finance the acquisition, improvement, equipping, operation and maintenance of a tourism improvement project within the district. (NRS 271A.070) Existing law also provides that any bonds issued to finance or refinance projects for the benefit of the district, any agreements for reimbursement of costs relating to such projects, and the agreement entered into between a municipality and the Department of Taxation specifying the dates and procedures for distribution of the pledged tax revenues must cease at the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the district occurs. (NRS 271A.100, 271A.120) **Sections 1 and 2** of this bill effectively extend the life of a tourism improvement district to 25 years if the district is a district in which, during the first 5 full fiscal years of its existence, the amount of the money pledged to the financing of projects in the district and received by the municipality with respect to the district is equal to zero.

Existing law prohibits the governing body of a municipality from providing any financing or reimbursement to a tourism improvement district from the proceeds of the local school support tax collected from retailers that locate within the district on or after July 1, 2013. Existing law provides an exemption from this prohibition if the governing body obtains an opinion from independent bond counsel stating that the applicability of the prohibition would impair an existing contract for the sale of bonds that were issued before July 1, 2013. (NRS 271A.125) **Section 3** of this bill provides a further exemption from this prohibition if the ~~ordinance creating the~~ district ~~provides for a mitigation amount for the school district in which the tourism improvement district is located.~~ is a district in which, during the first 5 full fiscal years of its existence, the amount of the money pledged to the financing of projects in the district and received by the municipality with respect to the district is equal to zero.

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

Section 1. NRS 271A.100 is hereby amended to read as follows:

271A.100 After the adoption of an ordinance creating a district in accordance with this chapter, the governing body of the municipality and the Department of Taxation shall enter into an agreement specifying the dates and procedure for distribution to the municipality of any money pledged pursuant to NRS 271A.070. The distributions must:

1. Be made not less frequently than once each calendar quarter; and

2. ~~Cease~~ *Except as otherwise provided in this subsection, cease* at the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the district occurs. *If the district is a district in which, during the first 5 full fiscal years after the creation of the ~~agreement~~ district, the amount of the money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district is equal to zero, the distributions must cease at the end of the fiscal year in which the 25th anniversary of the adoption of the ordinance creating the district occurs.*

Sec. 2. NRS 271A.120 is hereby amended to read as follows:

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

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

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

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

(a) Except as otherwise provided in this paragraph, to any governmental entity for any project within the district if any nongovernmental entity is or was entitled to receive any financing or reimbursement from the municipality pursuant to this section under the original financing agreements for the initial projects within the district. This paragraph does not prohibit the provision of such financing or reimbursement to a governmental entity that is or was entitled to receive such

1 financing or reimbursement under the original financing agreements for the initial
2 projects within the district.

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

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

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

17 (b) Under any agreements entered into pursuant to subsection 1,

18 ➤ because of any insufficiency in the amount of money pledged pursuant to NRS
19 271A.070 to make those payments shall be deemed not to constitute a default on
20 those bonds, notes or agreements.

21 4. No bond, note or other agreement issued or entered into pursuant to this
22 section may be secured by or payable from the general fund of the municipality, the
23 power of the municipality to levy ad valorem property taxes, or any source other
24 than any money pledged pursuant to NRS 271A.070 and received by the
25 municipality with respect to the district, any revenue received by the municipality
26 from any revenue-producing projects in the district, or any combination thereof. No
27 bond, note or other agreement issued or entered into pursuant to this section may
28 ever become a general obligation of the municipality or a charge against its general
29 credit or taxing powers, nor may any such bond, note or other agreement become a
30 debt of the municipality for purposes of any limitation on indebtedness.

31 5. ~~Any~~ *Except as otherwise provided in this subsection, any* bond or note
32 issued pursuant to this section, including any bond or note issued to refund any
33 such bond or note, must mature on or before, and any agreement entered pursuant
34 to this section must automatically terminate on or before, the end of the fiscal year
35 in which the 20th anniversary of the adoption of the ordinance creating the district
36 occurs. *If the district is a district in which, during the first 5 full fiscal years after*
37 *the creation of the ~~agreement~~ district, the amount of the money pledged*
38 *pursuant to NRS 271A.070 and received by the municipality with respect to the*
39 *district is equal to zero, any bond or note issued pursuant to this section,*
40 *including any bond or note issued to refund any such bond or note, must mature*
41 *on or before, and any agreement entered pursuant to this section must*
42 *automatically terminate on or before, the end of the fiscal year in which the 25th*
43 *anniversary of the adoption of the ordinance creating the district occurs.*

44 Sec. 3. NRS 271A.125 is hereby amended to read as follows:

45 271A.125 1. The governing body of a municipality:

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

49 (b) Shall not:

50 (1) With respect to any district created on or after July 1, 2011, provide any
51 financing or reimbursement pursuant to NRS 271A.120 for:

52 (I) Any legal fees, accounting fees, costs of insurance, fees for legal
53 notices or costs to amend any ordinances.

(II) Any project that includes the relocation on or after July 1, 2011, to the district of any retail facilities of a retailer from another location outside of and within 3 miles of the boundary of the district. Each pledge of money pursuant to NRS 271A.070 shall be deemed to exclude any amounts attributable to any tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year by a retailer who, on or after July 1, 2011, relocates any of its retail facilities to the district from another location outside of and within 3 miles of the boundary of the district.

(2) Provide any financing or reimbursement pursuant to NRS 271A.120 from the proceeds of the taxes described in subparagraph (2) of paragraph (c) of subsection 1 of NRS 271A.070 that are collected from any retail facilities of a retailer which, on or after July 1, 2013, locates within the boundary of a district.

2. The provisions of subparagraph (2) of paragraph (b) of subsection 1 do not apply to the governing body of a municipality with respect to any district created before July 1, 2013, if :

(a) ~~The ordinance creating the district provides for a mitigation amount to the school district is a district in which , during the first 5 full fiscal years after the creation of the district , the amount of the money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district is located,~~ equal to zero; or

(b) The governing body obtains an opinion from independent bond counsel stating that the applicability of those provisions would impair an existing contract for the sale of bonds that were issued before July 1, 2013.

3. The owner of a project shall, upon request, provide to the Department of Taxation information that identifies the retail facilities that open or close within the project.

Sec. 4. This act becomes effective upon passage and approval.