

Amendment No. 446

Senate Amendment to Senate Bill No. 183	(BDR 31-616)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

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.

EMR/HAC



Date: 4/18/2017

S.B. No. 183—Makes the provisions of the Local Government Budget and Finance Act applicable to housing authorities. (BDR 31-616)



SENATE BILL NO. 183—SENATORS PARKS;
MANENDO AND SEGERBLOM

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMEN BUSTAMANTE ADAMS, CARRILLO, NEAL AND
OHRENSCHALL

Referred to Committee on Government Affairs

SUMMARY—~~[Makes the]~~ **Revises** provisions ~~[of the Local Government Budget and Finance Act applicable]~~ **relating** to housing authorities.
(BDR 31-616)

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 financial administration; making the provisions of the Local Government Budget and Finance Act applicable to housing authorities; ***revising requirements for certain commissioners of a regional housing authority in certain counties***; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any town, city or county to create by resolution a housing authority to provide various types of housing services for persons of low income in such town, city or county. (NRS 315.140-315.780) Existing law also authorizes two or more housing authorities in a county whose population is 700,000 or more (currently Clark County) to form a regional housing authority. (NRS 315.7805) Existing law further creates the Nevada Rural Housing Authority to provide various types of housing services for persons of low and moderate income in areas of the State which are not included within the corporate limits of a city or town having a population of 150,000 or more. (NRS 315.961-315.99874)

The Local Government Budget and Finance Act sets forth various requirements, procedures and limitations relating to the financial administration of local governments. (NRS 354.470-354.626) Under existing law, the Act applies to the Nevada Rural Housing Authority for the sole purpose of requiring the Authority to hold a public hearing before making an interfund loan or loaning money to another local government but does not apply to any other type of housing authority. (NRS 315.420, 315.983, 354.474, 354.6118)

Section 1 of this bill amends the definition of "local government" so that the Local Government Budget and Finance Act applies to all housing authorities. **Sections 2 and 3** of this bill make conforming changes.

Existing law authorizes two or more housing authorities in a county whose population is 700,000 or more (currently Clark County), to form a regional housing authority. (NRS 315.7805) If such a regional housing authority is formed, existing law requires 13 persons be appointed to serve as commissioners to the authority for terms of

office of 4 years and sets forth qualifications for commissioners. (NRS 315.7809) Section 2.5 of this bill requires that certain persons appointed to the regional housing authority be elected members of the governing bodies making the appointments. Section 2.5 further provides that a commissioner may not serve more than two terms.

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

Section 1. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive ~~†~~

~~—(a) “Local†, “local government” means †every† :~~

~~(a) Every~~ political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision ~~†~~

~~—(b) “Local government” includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.† ; and~~

~~(b) Every housing authority created by or pursuant to chapter 315 of NRS.~~

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 2. NRS 354.536 is hereby amended to read as follows:

354.536 “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested. *The term includes, without limitation, a housing authority created by or pursuant to chapter 315 of NRS.*

Sec. 2.5. NRS 315.7809 is hereby amended to read as follows:

315.7809 1. Upon the adoption of a resolution pursuant to NRS 315.7805 forming a regional authority, 13 persons must be appointed to serve as commissioners of the authority as follows:

(a) The governing body of the county shall appoint two persons to serve as commissioners of the authority. H, one of whom must be an elected member of the governing body of the county;

(b) The governing body of the largest city in the county that participates in the regional authority shall appoint three persons to serve as commissioners of the authority. H, one of whom must be an elected member of the governing body of such a city;

(c) The governing body of the second largest city in the county that participates in the regional authority shall appoint two persons to serve as commissioners of the authority. H, one of whom must be an elected member of the governing body of such a city;

(d) The governing body of the third largest city in the county that participates in the regional authority shall appoint two persons to serve as commissioners of the authority. H, one of whom must be an elected member of the governing body of such a city; and

(e) Four commissioners who serve on behalf of tenants must be selected as described in subsection 3, including:

(1) One commissioner who serves on behalf of tenants of the county, appointed by the governing body of the county;

(2) One commissioner who serves on behalf of tenants of the largest city in the county that participates in the regional authority, appointed by the governing body of that city;

(3) One commissioner who serves on behalf of tenants of the second largest city in the county that participates in the regional authority, appointed by the governing body of that city; and

(4) One commissioner who serves on behalf of tenants of the third largest city in the county that participates in the regional authority, appointed by the governing body of that city.

None of the persons appointed to serve as commissioners of the authority may be elected officials of any governmental entity.

2. Each commissioner must be appointed for a term of office of 4 years. A commissioner may not serve more than two terms.

3. Each commissioner who serves on behalf of tenants must be a current recipient of assistance from the authority who resides in the county or in the city from which he or she is appointed, as applicable, and who is selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects in the county or city, as applicable. If no such organization exists, each such commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority and who reside in the county or in the city for which the list of nominees is prepared, as applicable. Thereafter, at least four commissioners must be such recipients who were nominated and appointed in the same manner. If, during his or her term, any such commissioner ceases to be a recipient of assistance, the commissioner must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.

4. In making the appointments described in paragraphs (a) to (d), inclusive, of subsection 1, of persons who are not elected members of the governing bodies of the relevant local governments, the relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and

(b) Soliciting appointees who have education and experience in fields such as, without limitation:

- (1) Real estate;
- (2) Financial planning;
- (3) Legal aid;
- (4) Education;
- (5) Public safety;
- (6) The provision of public services; and
- (7) The assistance of persons of low income.

5. All vacancies must be filled for the unexpired term.

Sec. 3. NRS 315.983 is hereby amended to read as follows:

315.983 1. Except as otherwise provided in NRS ~~354.474 and~~ 377.057, the Authority:

(a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of NRS 315.961 to 315.99874, inclusive, but not the power to levy and collect taxes or special assessments.

(b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the State.

2. The Authority may:

(a) Sue and be sued.

(b) Have a seal.

(c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association, or in the Local Government Pooled Long-Term Investment Account created by NRS 355.165 or the Local Government Pooled Investment Fund created by NRS 355.167.

(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the Authority.

(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of housing projects.

(h) Enter into agreements or other transactions with, and accept grants from and cooperate with, any governmental agency or other source in furtherance of the purposes of NRS 315.961 to 315.99874, inclusive.

(i) Enter into an agreement with a local government in a county whose population is less than 100,000 to receive a loan of money from the local government in accordance with NRS 354.6118.

(j) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

Sec. 4. This act becomes effective on July 1, 2017.