

Amendment No. 809

Senate Amendment to Assembly Bill No. 244 First Reprint	(BDR S-1008)
<b>Proposed by:</b> Senator Ratti	
<b>Amends:</b> 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.

JFD/BJF



Date: 5/19/2019

A.B. No. 244—Allows the imposition of rate increases for certain taxes in a county to fund capital projects of the school district based on the recommendations of an advisory committee and voter approval.  
(BDR S-1008)





## ASSEMBLY BILL NO. 244—ASSEMBLYMAN KRAMER

MARCH 11, 2019

Referred to Committee on Taxation

SUMMARY—Allows the imposition of ~~[rate increases for certain taxes]~~ **a property tax** in ~~[a county]~~ **certain counties** to fund capital projects of the school district based on the recommendations of an advisory committee and voter approval. (BDR S-1008)

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

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

AN ACT relating to taxation; authorizing the board of trustees of a school district under specified circumstances to adopt a resolution establishing the formation of an advisory committee to recommend the imposition of ~~[certain tax rate increases]~~ **a property tax** to fund the capital projects of the school district; authorizing the board of trustees of a school district to transmit the recommendations of such a committee to the board of county commissioners; authorizing the board of county commissioners to submit a question to the voters at the next general election asking whether the recommended ~~[rate increases]~~ **tax** should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such ~~[rate increases]~~ **tax** that ~~[are]~~ **is** approved by the voters; providing for the use of the proceeds of such ~~[rate increases]~~ **tax** for certain school purposes; providing for the prospective expiration of the authority of a board of trustees to establish such a committee; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

During the 2015 Legislative Session, the Legislature enacted Senate Bill No. 411, which authorized the board of trustees of certain school districts to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. The authority to establish such a Committee expired by limitation on April 2, 2016.

**Section 1** of this bill authorizes the board of trustees of ~~[a]~~ **certain** school ~~[district]~~ **districts** to establish by resolution an advisory committee to recommend ~~[an increase in the rate of certain taxes]~~ **a property tax** for consideration by the voters at a general election held not later than the November 8, 2022, General Election, to fund the capital projects of the school district. Under this bill, an advisory committee may not be established by the board of trustees of a school district which established a Public Schools Overcrowding and Repair

Needs Committee, which is located in a county authorized to impose for the benefit of the school district a tax on residential construction, or which is located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property, or both.

~~{Section}~~ **Sections 2 and 3.5** of this bill ~~{provides}~~ **provide** that if such an advisory committee is established, the advisory committee may recommend ~~{the imposition of one or more rate increases for any tax which is}~~ **that an additional property tax be** imposed in the county for the benefit of the school district. The recommendations of the advisory committee must specify the ~~{increase in}~~ rate ~~{for rates for each of the taxes for which a rate increase is recommended}~~ **of the tax** and the period during which the recommended ~~{rate increases}~~ **tax** will be imposed. If the advisory committee submits its recommendations to the board of trustees of the school district by April 2, 2022, the board of trustees is authorized to transmit the recommendations to the board of county commissioners. The board of county commissioners is authorized to submit a question to the voters at the next general election asking whether ~~{any of the rate increases}~~ **the tax** recommended by the advisory committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved ~~{rate increases}~~ **tax** at the rate and for the period specified in the question submitted to the voters. If a majority of the voters approve the imposition of ~~{an}~~ **the** additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed \$3.64 on each \$100 of assessed valuation.

**Section 4** of this bill provides that the proceeds resulting from the imposition of ~~{such rate increases}~~ **the additional property tax**; (1) must be deposited in the fund for capital projects of the school district; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain school purposes.

**Section 5** of this bill provides that the provisions of this bill authorizing the board of trustees of a school district to establish such an advisory committee expire by limitation on April 2, 2022.

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

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**Section 1.** 1. The board of trustees of a school district, other than a school district which established a Public Schools Overcrowding and Repair Needs Committee pursuant to section 1 of chapter 425, Statutes of Nevada 2015, at page 2444, which is located in a county not authorized to impose a residential construction tax pursuant to NRS 387.331 for the benefit of the school district, or which is located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property pursuant to chapter 375 of NRS, or both, may, by resolution, establish an advisory committee to recommend the ~~{increase of the rate}~~ **imposition** of ~~{one or more of}~~ the ~~{taxes}~~ **tax** described in section ~~{2}~~ **3.5** of this act for consideration by the voters at a general election to fund the capital projects of the school district. If such a resolution is adopted, the board of trustees shall appoint the members of the advisory committee, consisting of persons who represent a variety of interests within the community, including, without limitation, seniors, veterans, low-income persons, businesses and realtors.

2. The members appointed pursuant to subsection 1 must be residents of the county.

3. Any vacancy occurring in the membership of an advisory committee established pursuant to subsection 1 must be filled not later than 30 days after the vacancy occurs.

4. If an advisory committee is established pursuant to subsection 1, the advisory committee shall hold its first meeting upon the call of the superintendent

1 of schools of the school district as soon as practicable after the appointments are  
2 made pursuant to subsection 1. At the first meeting of the advisory committee, the  
3 members of the advisory committee shall elect a chair.

4 5. A majority of an advisory committee established pursuant to subsection 1  
5 constitutes a quorum for the transaction of business, and a majority of those  
6 members present at any meeting is sufficient for any official action taken by the  
7 advisory committee.

8 6. If an advisory committee is established pursuant to subsection 1, the  
9 superintendent of schools of the school district shall provide administrative support  
10 to the advisory committee.

11 **Sec. 2.** 1. If an advisory committee is established pursuant to subsection 1  
12 of section 1 of this act, such an advisory committee shall, on or before April 2,  
13 2022:

14 (a) Prepare recommendations for the ~~[increase]~~ **imposition of [one or more of]**  
15 ~~the [taxes imposed]~~ **tax described in section 3.5 of this act** in the county ~~[for the~~  
16 ~~benefit of the school district and the use of the proceeds of the increased tax or~~  
17 ~~taxes]~~ to provide funding for the school district for the purposes set forth in  
18 subsection 1 of NRS 387.335. The recommendations must specify the proposed rate  
19 ~~[or rates for each of the taxes for which a rate increase is]~~ **of the recommended tax**  
20 and the period during which ~~[one or more of]~~ the recommended tax ~~[rate increases]~~  
21 will be imposed.

22 (b) Submit the recommendations to the board of trustees of the school district  
23 which established the advisory committee. The board of trustees may submit the  
24 recommendations of the advisory committee to the board of county commissioners  
25 of the county in which the school district is located.

26 2. Upon the receipt of recommendations pursuant to subsection 1, the board  
27 of county commissioners may, at the next general election following the receipt of  
28 the recommendations, submit a question to the voters of the county asking whether  
29 ~~[any of]~~ the recommended tax ~~[rate increases]~~ should be imposed in the county. The  
30 question submitted to the voters of the county must specify the proposed rate ~~[or~~  
31 ~~rates for each of the taxes for which a rate increase was recommended]~~ **of the tax**  
32 and the period during which ~~[each of]~~ the recommended tax ~~[rate increases]~~ will be  
33 imposed. ~~[If the]~~ **The** question submitted to the voters pursuant to this subsection  
34 ~~[asks the voters of the county whether to increase the rate of the tax levied in~~  
35 ~~accordance with NRS 387.195, the question]~~ must state that any such tax imposed  
36 is exempt from each partial abatement from taxation provided pursuant to NRS  
37 361.4722, 361.4723 and 361.4724 and that the rate of the tax must not be included  
38 in the total ad valorem tax levy for the purposes of the application of the limitation  
39 in NRS 361.453.

40 3. If a majority of the voters voting on the question submitted to the voters  
41 pursuant to subsection 2 vote affirmatively on the question:

42 (a) The board of county commissioners shall impose ~~[each]~~ **the** recommended  
43 tax ~~[rate increase]~~ at the rate ~~[or rates]~~ and for the period specified in the question  
44 submitted to the voters pursuant to subsection 2.

45 (b) ~~[If the question recommended an increase in the rate of the tax levied in~~  
46 ~~accordance with NRS 387.195,~~

47 ~~—(1)—~~ Any such tax imposed is exempt from each partial abatement from  
48 taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

49 ~~—(2)—~~ (c) The provisions of NRS 361.453 do not apply to any such tax  
50 imposed.

51 ~~—(c) Each]~~

52 (d) **The** tax ~~[rate increase]~~ shall be imposed notwithstanding the provisions of  
53 any specific statute to the contrary and, except as otherwise specifically provided in

1 this section and sections 1 and 4 of this act, ~~each such~~ the tax ~~rate increase~~ is not  
2 subject to any limitations set forth in any statute which authorizes the board of  
3 county commissioners to impose such tax or taxes, including, without limitation,  
4 any limitations on the maximum rate or rates which may be imposed or the duration  
5 of the period during which such taxes may be imposed.

6 **Sec. 3.** (Deleted by amendment.)

7 **Sec. 3.5.** Upon approval of the registered voters of a county voting on a  
8 question presented to the voters pursuant to section 2 of this act  
9 recommending the imposition of a tax on the assessed valuation of taxable  
10 property within the county, the board of county commissioners shall, in  
11 addition to any tax levied on the assessed valuation of taxable property in the  
12 county, levy a tax on the assessed valuation of taxable property within the  
13 county in the amount described in the question presented to the voters  
14 pursuant to section 2 of this act. The tax must be administered and enforced in  
15 the same manner as the tax imposed pursuant to NRS 387.195 is administered  
16 and enforced.

17 **Sec. 4.** The proceeds of ~~each~~ any tax ~~rate increase~~ imposed pursuant to  
18 section 2 of this act:

19 1. Must be deposited in the school district's fund for capital projects  
20 established pursuant to NRS 387.328, to be held and, except as otherwise provided  
21 in subsection 2, expended in the same manner as other money deposited in that  
22 fund.

23 2. May be pledged to the payment of principal and interest on bonds or other  
24 obligations issued for one or more of the purposes set forth in NRS 387.335. The  
25 proceeds of ~~each such~~ the tax ~~rate increase~~ so pledged may be treated as pledged  
26 revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees  
27 of the school district may issue bonds for those purposes in accordance with the  
28 provisions of chapter 350 of NRS.

29 3. May not be used:

30 (a) To settle or arbitrate disputes between a recognized organization  
31 representing employees of a school district and the school district, or to settle any  
32 negotiations; or

33 (b) To adjust the district-wide schedule of salaries and benefits of the  
34 employees of a school district.

35 **Sec. 5.** 1. This act becomes effective upon passage and approval.

36 2. Section 1 of this act expires by limitation on April 2, 2022.