

Amendment No. 609

Senate Amendment to Senate Bill No. 48	(BDR 32-481)
Proposed by: Senate Committee on Revenue and Economic Development	
Amendment Box: Replaces Amendment No. 471.	
Amends: Summary: No Title: No 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"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<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.



SENATE BILL NO. 48—COMMITTEE ON REVENUE
AND ECONOMIC DEVELOPMENT

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Revenue and
Economic Development

SUMMARY—Authorizes certain local governments to increase diesel taxes under certain circumstances. (BDR 32-481)

FISCAL NOTE: Effect on Local Government: No.
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 boards of county commissioners in certain smaller counties to impose an additional tax on diesel fuel; authorizing persons who use diesel fuel in motor vehicles operated or intended to operate interstate to request and obtain reimbursement for the tax paid on diesel fuel consumed outside this State under certain circumstances; enacting provisions governing the distribution of the portion of the proceeds of the tax on diesel fuel reserved by the Department of Motor Vehicles to pay reimbursement for the tax; revising provisions governing the projects for which certain smaller counties may use the proceeds of an additional tax on diesel fuel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose taxes on motor vehicle fuel. (Chapter 373 of NRS) Under existing law, the board of county commissioners of a county whose population is 100,000 or more (currently Clark and Washoe Counties) is authorized, under certain circumstances, to impose county taxes on motor vehicle fuel and various special fuels used in motor vehicles. (NRS 373.030, 373.066, 373.0663) However, the board of county commissioners of a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) is authorized to impose county taxes on motor vehicle fuel and is not authorized to impose county taxes on special fuel. (NRS 373.030, 373.065) **Section 3** of this bill authorizes the board of county commissioners of a county whose population is less than 100,000 to impose a tax on special fuel that consists of diesel fuel sold in the county in an amount not to exceed 5 cents per gallon. Under **section 3**, an ordinance imposing such a tax must be adopted by a two-thirds majority of the board of county commissioners or by a majority of the registered voters in the county who vote on a question concerning the imposition of the tax which is submitted to the voters at a general election. In addition, under **section 3**, if the tax is imposed in a county, certain sales or uses of diesel fuel which are exempt from the taxes imposed on diesel fuel under existing law, including, without

limitation, sales or uses of diesel fuel to which dye has been added in accordance with existing federal and state law, are exempt from the tax imposed pursuant to **section 3**. **Sections 9-14** of this bill provide a tax imposed pursuant to **section 3** would be administered, allocated, disbursed and used in the same manner as the existing county tax imposed on motor vehicle fuel.

Section 5 of this bill includes highway truck parking, as defined in **section 2** of this bill, as a project for which a county whose population is less than 100,000 is authorized to use the proceeds of the county taxes on motor vehicle fuel and diesel fuel. **Section 4** of this bill makes a conforming change related to the definition of "highway truck parking" established by **section 2** of this bill.

The Department of Motor Vehicles is a party to the International Fuel Tax Agreement, a multistate agreement which facilitates the calculation and collection of certain fuel taxes from interstate trucking companies and others who use special fuel (primarily diesel fuel) in vehicles operated or intended to operate interstate. (NRS 366.175) Existing law: (1) authorizes certain special fuel users to file with the Department a request for reimbursement of amounts owed to the special fuel user as a result of the Department's entering into the International Fuel Tax Agreement and the imposition of a tax on special fuels consumed outside this State; and (2) requires the Department to adopt regulations establishing a system to provide for the reimbursement of a person who files such a request. (NRS 373.083) **Section 7** of this bill authorizes a person who pays a tax imposed pursuant to **section 3** in a county in which the total number of gallons of diesel fuel sold in the county in the immediately preceding fiscal year is 10,000,000 gallons or more to file such a request and obtain from the Department a reimbursement of the tax on diesel fuel which is consumed outside this State. **Section 8** of this bill makes a conforming change related to such reimbursements.

Under existing regulations, for the purpose of paying reimbursements to special fuel users who file requests for reimbursement with the Department, the Department establishes a trust account for a county for which reimbursements are paid and deposits 20 percent of the amount of taxes collected for the county in that trust account. Money in the trust account of a county must be used to pay requests for reimbursement of the tax imposed in the county which are approved by the Department, and any money remaining in the trust account after the payment of such reimbursements, including all accrued interest, must be distributed to the county for which the trust account was created. (NAC 373.160) **Section 7** requires the Department to ~~establish a trust account for a county which imposes the tax on diesel fuel authorized by section 3 and~~ use this system to reimburse a person who pays a tax imposed pursuant to section 3 in a county in which the total number of gallons of diesel fuel sold in the county in the immediately preceding fiscal year is 10,000,000 gallons or more. **Section 7** also provides that under certain circumstances, a portion of the money in the trust account for such a county may be distributed to the Department of Transportation for use to construct, maintain or repair, or any combination thereof, highway truck parking, as defined in **section 2**, in the county. **Section 6** of this bill makes a conforming change ~~to enable the money in the trust account to be distributed to the Department of Transportation.~~

Existing law requires the regional transportation commission in a county whose population is less than 100,000 to submit an annual report to the Department of Motor Vehicles showing for the fiscal year the amount of receipts from county motor vehicle fuel taxes and the nature of the expenditures for each project. (NRS 277A.360) **Section 15** of this bill requires this annual report to show the amount of receipts from any tax imposed pursuant to **section 3**.

Section 16 of this bill provides that the authority to impose any tax pursuant to section 3 and the other provisions of this bill ~~become~~ becomes effective on July 1, 2019. However under section 3, an ordinance imposing the tax authorized by that section may not become effective earlier than January 1, 2020.

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

Section 1. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 2 and 3 of this act.

Sec. 1.5. *“Diesel fuel” means any petroleum-based fuel meeting the ASTM D975 standards. The term includes, without limitation, diesel, biodiesel, as defined in NRS 366.022, biodiesel blend, as defined in NRS 366.023, biomass-based diesel, as defined in NRS 366.0235, biomass-based diesel blend, as defined in NRS 366.024, and kerosene blended with diesel.*

Sec. 2. *“Highway truck parking” means a parking area with easy access to or from a highway which is designated for a truck having a gross weight of more than 10,000 pounds, in the course of the operation of the truck or during periods of mandated rest for the operator of the truck.*

Sec. 3. *1. In a county whose population is less than 100,000 and for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission pursuant to NRS 278.150, the board may by ordinance impose a tax on special fuel that consists of diesel fuel sold in the county in an amount not to exceed 5 cents per gallon.*

2. A board may not adopt an ordinance authorized by this section unless:

(a) The ordinance is approved by at least a two-thirds majority of the members of the board; or

(b) A question concerning the imposition of the tax pursuant to this section is first approved by a majority of the registered voters of the county voting upon the question, which the board may submit to the voters at any general election. The Committee on Local Government Finance shall annually provide to each city clerk, county clerk and district attorney in a county whose population is less than 100,000 forms for submitting a question to the registered voters of a county pursuant to this paragraph. Any question submitted to the registered voters of a county pursuant to this paragraph must be in the form most recently provided by the Committee on Local Government Finance.

3. A tax imposed pursuant to this section is in addition to other special fuel taxes imposed pursuant to the provisions of chapters 366 and 445C of NRS.

4. If an ordinance adopted pursuant to this section imposes the tax in an amount that is less than 5 cents per gallon, any increase in the amount of the tax must be approved in the manner set forth in subsection 2. Any such increase must not cause the amount of the tax authorized by this section to exceed 5 cents per gallon.

5. ~~Any~~ Except as otherwise provided in this subsection, any ordinance enacted pursuant to this section must provide that the tax authorized by this section, or any change in the amount of the tax, will become effective on the first day of the second calendar month following enactment of the ordinance imposing, or changing the amount of, the tax. An ordinance adopted pursuant to this section to impose the tax authorized by this section may not become effective earlier than January 1, 2020.

6. Any tax imposed pursuant to the provisions of this section does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any diesel fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(a) As diesel fuel to which dye has been added pursuant to such law; and

(b) As diesel fuel to which dye has not been added pursuant to such law.

1 **Sec. 4.** NRS 373.020 is hereby amended to read as follows:

2 373.020 As used in this chapter, unless the context otherwise requires, the
3 words and terms defined in NRS 373.0205 to 373.029, inclusive, ~~and section~~
4 sections 1.5 and 2 of this act have the meanings ascribed to them in those sections.

5 **Sec. 5.** NRS 373.028 is hereby amended to read as follows:

6 373.028 “Project” means:

7 1. In a county whose population is 100,000 or more, street and highway
8 construction, including, without limitation, the acquisition and improvement of any
9 street, avenue, boulevard, alley, highway or other public right-of-way used for any
10 vehicular traffic, and including a sidewalk designed primarily for use by
11 pedestrians, and also, including, without limitation, grades, regrades, gravel, oiling,
12 surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights-of-way,
13 driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains,
14 sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels,
15 underpasses, approaches, sprinkling facilities, artificial lights and lighting
16 equipment, parkways, grade separators, traffic separators, and traffic control
17 equipment, and all appurtenances and incidentals, or any combination thereof,
18 including, without limitation, the acquisition and improvement of all types of
19 property therefor.

20 2. In a county whose population is less than 100,000, street and highway
21 construction, maintenance or repair, or any combination thereof, including, without
22 limitation, the acquisition, maintenance, repair and improvement of highway truck
23 parking or any street, avenue, boulevard, alley, highway or other public right-of-
24 way used for any vehicular traffic, and including a sidewalk designed primarily for
25 use by pedestrians, and also, including, without limitation, grades, regrades, gravel,
26 oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights-
27 of-way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins,
28 drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses,
29 tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting
30 equipment, parkways, grade separators, traffic separators, and traffic control
31 equipment, and all appurtenances and incidentals, or any combination thereof,
32 including, without limitation, the acquisition, maintenance, repair and improvement
33 of all types of property therefor.

34 **Sec. 6.** NRS 373.080 is hereby amended to read as follows:

35 373.080 ~~[(a)]~~ Except as otherwise provided in NRS 373.083, all fuel taxes
36 collected during any month by the Department pursuant to a contract with a county
37 must be transmitted each month by the Department to the county and the
38 Department shall, in accordance with the terms of the contract, charge the county
39 for the Department’s services specified in this section and in NRS 373.070, except
40 that in the case of a fuel tax imposed pursuant to NRS 373.065, 373.066 ~~[(c)]~~ ,
41 373.0663 ~~[(b)]~~ or section 3 of this act, the charge must not exceed 1 percent of the tax
42 collected by the Department.

43 **Sec. 7.** NRS 373.083 is hereby amended to read as follows:

44 373.083 1. A person who uses special fuel in a motor vehicle operated or
45 intended to operate interstate and who pays any tax imposed on ~~[(special)]~~ :

46 (a) Special fuels pursuant to NRS 373.066 or 373.0663 ~~[(may)]~~ ; or

47 (b) Special fuel that consists of diesel fuel pursuant to section 3 of this act in
48 a county in which the total number of gallons of diesel fuel sold in the county
49 during the immediately preceding fiscal year, as determined by the Department, is
50 10,000,000 gallons or more,

51 ↪ may file with the Department a request for reimbursement of any amounts owed
52 to the person as a result of the Department entering into an agreement pursuant to
53 NRS 366.175 and the imposition, pursuant to NRS 373.066 or 373.0663 ~~[(b)]~~ or

1 *section 3 of this act*, of any tax on special fuels which are consumed outside this
2 State.

3 2. The Department shall adopt regulations establishing a system to provide for
4 the reimbursement and the auditing of the records of a person who files a request
5 for reimbursement pursuant to subsection 1. The system established by the
6 Department:

7 (a) Must authorize a person who uses special fuel in motor vehicles operated or
8 intended to operate interstate to file a request for reimbursement as provided in
9 subsection 1;

10 (b) Must provide that the Department will determine the eligibility for
11 reimbursement of a person who files a request for reimbursement pursuant to
12 subsection 1 before the Department will authorize the reimbursement;

13 (c) Must provide that any reimbursement authorized by the Department be paid
14 from only money received by a county pursuant to any tax imposed on special fuels
15 pursuant to NRS 373.066 or 373.0663 ~~or section 3 of this act~~;

16 (d) Must provide that the total amount of money which must be paid by any
17 county in any fiscal year to reimburse any amounts owed to persons who use
18 special fuel in motor vehicles operated or intended to operate interstate must not
19 exceed 20 percent of the total amount of money collected by that county from any
20 tax imposed on special fuels pursuant to NRS 373.066 or 373.0663 ~~or section 3~~
21 *of this act*; and

22 (e) Must not apply to any tax imposed pursuant to NRS 373.066 during the
23 term of any bonds outstanding on June 12, 2013, secured by those taxes or of any
24 bonds that refund such bonds provided that the term of the refunding bonds is not
25 longer than the term of the refunded bonds.

26 3. The Department shall charge and collect a fee in an amount not to exceed
27 \$100 for each request for reimbursement filed by a person pursuant to subsection 1.
28 All money from the fees collected by the Department pursuant to this subsection
29 must be deposited in the Local Fuel Tax ~~Indexing~~ Fund created by NRS 373.087.

30 4. The Department and a commission which has been created in a county
31 whose population is 700,000 or more and in which a tax is imposed pursuant to
32 NRS 373.0663 may enter into an intergovernmental agreement or contract pursuant
33 to which:

34 (a) The commission agrees to pay for the costs incurred by the Department to
35 establish the system pursuant to subsection 2 and administer the system until the
36 amount of money received by the Department from the fees collected by the
37 Department pursuant to subsection 3 is sufficient to pay the costs incurred by the
38 Department to administer the system; and

39 (b) The Department agrees to reimburse the commission for any money paid
40 by the commission pursuant to paragraph (a) from a portion of the money received
41 by the Department from the fees collected by the Department pursuant to
42 subsection 3.

43 5. *For each county in which a tax is imposed pursuant to section 3 of this*
44 *act and in which the total number of gallons of diesel fuel sold in the county*
45 *during the immediately preceding fiscal year, as determined by the Department, is*
46 *10,000,000 gallons or more, the Department shall* ~~establish and administer an~~
47 ~~interest bearing trust account and deposit into the trust account 20 percent of the~~
48 ~~total amount of taxes collected by the county pursuant to section 3 of this act~~
49 ~~each month. Except as otherwise provided in this subsection, the Department~~
50 ~~shall use money deposited by the Department into such a trust account for a~~
51 ~~county, excluding the amount of any accrued interest, only~~ *use the system*
52 *established by the regulations adopted pursuant to subsection 2 to pay requests*
53 *for reimbursement of the tax imposed in the county pursuant to section 3 of this*

1 ~~act which are [submitted to]~~ filed with the Department pursuant to paragraph (b)
2 ~~of subsection 1. [If the Department approves requests for reimbursement of the~~
3 ~~tax imposed in a county pursuant to section 3 of this act:~~

4 ~~—(a) In an amount which is not more than 50 percent of the amount deposited~~
5 ~~by the Department in the trust account for that county during the fiscal year,~~
6 ~~excluding the amount of any accrued interest, the~~ The Department [must,] shall,
7 ~~at the end of [the] each fiscal year, [and after the payment of all requests for~~
8 ~~reimbursement approved by the Department,] distribute the [balance] remaining~~
9 ~~balance [in the trust account,] of any money retained by the Department to pay~~
10 ~~requests for reimbursement of the tax imposed in a county described in this~~
11 ~~subsection which are filed with the Department pursuant to paragraph (b) of~~
12 ~~subsection 1 and are approved by the Department, including the amount of any~~
13 ~~accrued interest, [as follows:]~~

14 ~~—(1) An~~ to the county and provide the county with an accounting of the
15 total amount of the tax imposed pursuant to section 3 of this act which was
16 collected for the county during the fiscal year, the amount of money retained by
17 the Department to pay requests for reimbursement filed with the Department
18 pursuant to paragraph (b) of subsection 1, the amount of interest accrued on
19 such money retained by the Department and the amount of reimbursements of
20 the tax paid. Using the accounting provided by the Department, the county shall,
21 within 45 days after receiving the accounting and the distribution of money from
22 the Department;

23 ~~(a) Deposit in the regional street and highway fund in the county treasury an~~
24 ~~amount equal to [the difference between:]~~

25 ~~(1) Fifty [50] percent of [the balance remaining in the trust account~~
26 ~~before the payment of all requests for reimbursement, excluding the amount of~~
27 ~~any accrued interest, and the amount of all requests for reimbursement paid by~~
28 ~~the Department must be distributed to the Department of Transportation and] [the~~
29 ~~total amount of money retained by the Department to pay requests for~~
30 ~~reimbursement filed with the Department pursuant to paragraph (b) of subsection~~
31 ~~1 during the fiscal year, plus any accrued interest; or~~

32 ~~(2) The entire amount of money distributed to the county pursuant to this~~
33 ~~paragraph, if that amount is less than 50 percent of the total amount of money~~
34 ~~retained by the Department to pay requests for reimbursement filed with the~~
35 ~~Department pursuant to paragraph (b) of subsection 1 during the fiscal year.~~

36 ~~(b) Transmit to the Department of Transportation the remaining amount of~~
37 ~~the distribution received from the Department of Motor Vehicles after making the~~
38 ~~deposit required by paragraph (a), which amount must be used by the~~
39 ~~Department of Transportation only to construct, maintain or repair, or any~~
40 ~~combination thereof, highway truck parking in the county. [; and~~

41 ~~—(2) Any balance remaining in the trust account after the payment of all~~
42 ~~requests for reimbursement approved by the Department and the distributions~~
43 ~~required by subparagraph (1), including any accrued interest, must be~~
44 ~~transmitted to the county in accordance with NRS 373.080.~~

45 ~~—(b) In an amount which exceeds 50 percent, but does not exceed 100 percent,~~
46 ~~of the amount deposited in the trust account during the fiscal year, excluding any~~
47 ~~accrued interest, the balance remaining in the trust account after the payment of~~
48 ~~all requests for reimbursement approved by the Department, including the~~
49 ~~amount of any accrued interest, must be transmitted to the county in accordance~~
50 ~~with NRS 373.080.~~

51 ~~—(c) In an amount which exceeds the amount of money deposited into the trust~~
52 ~~account of the county during the fiscal year, excluding any accrued interest, the~~
53 ~~Department must pay the approved requests for reimbursement on a pro rata~~

~~basis and distribute any accrued interest to the county in accordance with NRS 373.080. For the purposes of this paragraph, "pro rata basis" means that the amount of each request for reimbursement approved by the Department will be proportionally reduced by multiplying the amount of reimbursement approved by the ratio of the total amount of money deposited into the trust account during the fiscal year, exclusive of interest, divided by the total amount of requests for reimbursement approved by the Department.]~~

6. As used in this section, "special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 8. NRS 373.087 is hereby amended to read as follows:

373.087 1. The Local Fuel Tax ~~(Indexing)~~ Fund is hereby created as an enterprise fund. The Department shall deposit in the Fund all fees collected by the Department pursuant to subsection 3 of NRS 373.083. The Director of the Department shall administer the Fund.

2. Money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. Money deposited in the Fund must only be expended:

(a) To administer the system established by the Department pursuant to NRS 373.083; and

(b) To reimburse a commission for any amounts paid by the commission pursuant to an intergovernmental agreement or contract entered into pursuant to subsection 4 of NRS 373.083.

4. The Director may maintain a reserve of not more than \$500,000 in the Fund. The reserve must be accounted for separately in the Fund and must only be expended to administer the system established by the Department pursuant to NRS 373.083.

5. Any balance remaining in the Fund at the end of any fiscal year:

(a) Does not revert to the State General Fund; and

(b) Must be carried forward to the next fiscal year.

Sec. 9. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 **or section 3 of this act** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.0675 and 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 10. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, and except as otherwise provided in NRS 373.0675, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS

373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 *or section 3 of this act* that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 11. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065, 373.066 or 373.0663, *or section 3 of this act*, of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to NRS 373.0663 must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0663 are issued or incurred, but the taxes imposed pursuant to NRS 373.0663 that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to NRS 373.0663, the board may, except as otherwise provided in subsection 5 of NRS 373.0663, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to NRS 373.0663 beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0663 are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0663 have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0663 are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 6 of NRS 373.0663.

Sec. 12. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized or required by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 ~~or~~ *or section 3 of this act*, issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 *and section 3 of this act* and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter.

➤ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065, paragraphs (a) and (b) of subsection 1 of NRS 373.066 and paragraphs (a) and (b) of subsection 1 of NRS 373.0663 may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of

1 revenues for the repayment of the bonds or other securities, the lien priority of the
2 pledge of revenues securing the bonds or other securities, and related matters.

3 **Sec. 13.** NRS 373.140 is hereby amended to read as follows:

4 373.140 1. After the enactment of ordinances as authorized in NRS
5 277A.170 and 373.030 **and section 3 of this act**, all street and highway
6 construction, surfacing or resurfacing projects in the county which are proposed to
7 be financed from any county fuel tax imposed pursuant to the provisions of NRS
8 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m),
9 inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of
10 subsection 1 of NRS 373.0663 **or section 3 of this act** must first be submitted to the
11 commission.

12 2. If the project is within the area covered by a regional plan for
13 transportation established pursuant to NRS 277A.210, the commission shall
14 evaluate it in terms of:

15 (a) The priorities established by the plan;

16 (b) The relation of the proposed work to other projects already constructed or
17 authorized;

18 (c) The relative need for the project in comparison with others proposed; and

19 (d) The money available.

20 ➤ If the commission approves the project, the board may authorize the project,
21 using all or any part of the proceeds of any county fuel tax authorized pursuant to
22 the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065,
23 paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d)
24 to (m), inclusive, of subsection 1 of NRS 373.0663 **or section 3 of this act**,
25 except as otherwise provided in NRS 373.0675, otherwise required by subsection 6
26 or to the extent any such use is prevented by the provisions for direct distribution
27 required by NRS 373.150 or is prevented by any pledge to secure the payment of
28 outstanding bonds, other securities or other obligations incurred under this chapter,
29 and other contractual limitations appertaining to such obligations as authorized by
30 NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be
31 issued as provided in NRS 373.131. Except as otherwise provided in subsection 3,
32 if the board authorizes the project, the responsibilities for letting construction and
33 other necessary contracts, contract administration, supervision and inspection of
34 work and the performance of other duties related to the acquisition of the project
35 must be specified in written agreements executed by the board and the governing
36 bodies of the cities and towns within the area covered by a regional plan for
37 transportation established pursuant to NRS 277A.210.

38 3. In a county in which two or more governmental entities are represented on
39 the commission, the governing bodies of those governmental entities may enter into
40 a written master agreement that allows a written agreement described in subsection
41 2 to be executed by only the commission and the governmental entity that receives
42 funding for the approved project. The provisions of a written master agreement
43 must not be used until the governing body of each governmental entity represented
44 on the commission ratifies the written master agreement.

45 4. If the project is outside the area covered by a plan, the commission shall
46 evaluate it in terms of:

47 (a) Its relation to the regional plan for transportation established pursuant to
48 NRS 277A.210, if any;

49 (b) The relation of the proposed work to other projects constructed or
50 authorized;

51 (c) The relative need for the proposed work in relation to others proposed by
52 the same city or town; and

53 (d) The availability of money.

1 ➤ If the commission approves the project, the board shall direct the county
2 treasurer to distribute the sum approved to the city or town requesting the project,
3 in accordance with NRS 373.150.

4 5. In counties whose population is less than 100,000, the commission shall
5 certify the adoption of the plan in compliance with subsections 2 and 4.

6 6. The proceeds of a tax imposed pursuant to any of the provisions of
7 paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d)
8 to (m), inclusive, of subsection 1 of NRS 373.0663 must be expended in accordance
9 with priorities for projects established in coordination and cooperation with the
10 Department of Transportation.

11 **Sec. 14.** NRS 373.160 is hereby amended to read as follows:

12 373.160 1. The ordinance or ordinances, or the resolution or resolutions,
13 providing for the issuance of any bonds or other securities issued under this chapter
14 payable from the receipts from the fuel excise taxes designated in this chapter may
15 at the discretion of the board or, in the case of bonds or other securities issued by a
16 commission, the commission, in addition to covenants and other provisions
17 authorized in the Local Government Securities Law, contain covenants or other
18 provisions as to the pledge of and the creation of a lien upon the receipts of the
19 taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph
20 (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection
21 1 of NRS 373.066 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS
22 373.0663 ~~and~~ *and section 3 of this act*, excluding any tax proceeds to be distributed
23 directly under the provisions of NRS 373.150, or the proceeds of the bonds or other
24 securities pending their application to defray the cost of the project, or both such
25 tax proceeds and security proceeds, to secure the payment of revenue bonds or
26 other securities issued under this chapter.

27 2. If the board or, in the case of bonds or other securities issued by a
28 commission, the commission, determines in any ordinance or resolution authorizing
29 the issuance of any bonds or other securities under this chapter that the proceeds of
30 the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph
31 (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection
32 1 of NRS 373.066 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS
33 373.0663 *or section 3 of this act* are sufficient to pay all bonds and securities,
34 including the proposed issue, from the proceeds thereof, the board or, in the case of
35 bonds or other securities issued by a commission, the commission with the consent
36 of the board as provided in subsection 6 of NRS 373.131, may additionally secure
37 the payment of any bonds or other securities issued pursuant to the ordinance or
38 resolution under this chapter by a pledge of and the creation of a lien upon not only
39 the proceeds of any fuel tax authorized at the time of the issuance of such securities
40 to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds
41 of any such tax thereafter authorized to be used or pledged, or used and pledged, for
42 the payment of such securities, whether such tax be levied or collected by the
43 county, the State of Nevada, or otherwise, or be levied in at least an equivalent
44 value in lieu of any such tax existing at the time of the issuance of such securities or
45 be levied in supplementation thereof.

46 3. The pledges and liens authorized by subsections 1 and 2 extend to the
47 proceeds of any tax collected for use by the county on any fuel so long as any
48 bonds or other securities issued under this chapter remain outstanding and are not
49 limited to any type or types of fuel in use when the bonds or other securities are
50 issued.

51 **Sec. 15.** NRS 277A.360 is hereby amended to read as follows:

52 277A.360 In counties having a population of less than 100,000, the
53 commission shall submit an annual report to the Department for the fiscal year

1 showing the amount of receipts from the county ~~motor vehicle~~ fuel ~~tax~~ *taxes*
2 imposed pursuant to chapter 373 of NRS and the nature of the expenditures for each
3 project.

4 **Sec. 16.** This act becomes effective on July 1, 2019.