

ASSEMBLY BILL NO. 10—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Government Affairs

SUMMARY—Authorizes the designation of a tax increment area for certain transportation and housing reinvestment purposes. (BDR 22-383)

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 tax increment areas; defining “transportation and housing reinvestment zone”; authorizing a governing body to designate by ordinance a transportation and housing reinvestment zone; setting forth certain requirements for a transportation and housing reinvestment zone; establishing certain requirements for the allocation of property tax revenue in a transportation and housing reinvestment zone; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the governing body of a municipality to designate a tax increment area for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of certain undertakings, including a drainage and flood control project, an overpass project, a sewerage project, a street project, an underpass project, a water project, a rail project and a natural resources project. The designation of a tax increment area provides for the allocation of a portion of taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to, or indebtedness incurred by the municipality to finance or refinance the undertaking. (Chapter 278C of NRS) **Section 3** of this bill authorizes a governing body of a municipality to adopt an ordinance designating a tax increment area known as a transportation and housing reinvestment zone to promote transportation projects, transportation improvements and mixed-use, multi-family and affordable housing developments within the zone. **Section 3** requires the ordinance to: (1) define the



transportation projects, transportation improvements and mixed-use, multi-family or affordable housing developments that will qualify for investment in the transportation and housing reinvestment zone; and (2) establish a base year and method by which the governing body will calculate the increase in property tax revenue resulting from the transportation projects, transportation improvements or mixed-use, multi-family or affordable housing developments undertaken in the zone. **Section 3** authorizes a governing body to finance a transportation project, transportation improvement or mixed-use, multi-family or affordable housing development by issuing general obligation bonds, medium-term obligations, revenue bonds or other securities.

Section 2 of this bill defines the term "transportation and housing reinvestment zone."

Section 4 of this bill provides that a transportation and housing reinvestment zone: (1) must expire not more than 30 years after the date the ordinance designating the zone is adopted; (2) may include property that at the time the zone is designated is included within a redevelopment area or another tax increment area; and (3) is not subject to the statutory limitation on taxes ad valorem.

Section 5 of this bill requires the property tax revenue in the transportation and housing reinvestment zone to be allocated between the taxing agencies and the tax increment account created for the zone such that only the amount which exceeds that portion of the taxes that would be produced by the property tax rate as shown upon the equalized assessment roll for the base year established in the ordinance by the governing body may be allocated to the tax increment account.

Sections 6-22 of this bill make conforming changes to incorporate the provisions governing a transportation and housing reinvestment zone into the chapter and distinguish the designation of such a zone from the tax increment areas that are currently authorized under existing law.

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

Section 1. Chapter 278C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, "transportation and housing reinvestment zone" means a tax increment area:*

1. Whose boundaries are coterminous with those of a transportation and housing reinvestment zone established as provided in section 3 of this act;

2. Specially benefited by a transportation project, transportation improvement project or mixed-use, multi-family or affordable housing development pursuant to sections 3, 4 and 5 of this act;

3. Designated by ordinance as provided in section 3 of this act; and

4. In which is located the taxable property the assessed valuation of which is the basis for the allocation of tax proceeds to the tax increment account pursuant to section 5 of this act.



Sec. 3. 1. The governing body of a municipality, on the behalf and in the name of the municipality, may adopt an ordinance designating a transportation and housing reinvestment zone comprising a specially benefited zone within the municipality for the purposes of creating a special account for:

(a) The payment of bonds or securities issued;

(b) Money advanced or indebtedness incurred; or

(c) To the extent there is additional money available, providing any matching money required to obtain matching grants or other awards from the Federal Government, the State, a local government or any other source of grants or awards,

↳ to defray any cost associated with transportation projects, transportation improvements and mixed-use, multi-family or affordable housing developments within the zone, including, without limitation, the acquisition of property for any such undertaking.

2. The ordinance adopted pursuant to subsection 1 must:

(a) Define the transportation projects, transportation improvements and mixed-use, multi-family or affordable housing developments that qualify to receive money from the account created pursuant to subsection 1;

(b) Establish a base year and method that will be used to calculate the increase of property tax revenue within the zone resulting from any transportation projects, transportation improvements or mixed-use, multi-family or affordable housing developments; and

(c) Ensure that the zone:

(1) Addresses all relevant elements of the master plan adopted by the municipality pursuant to NRS 278.150;

(2) Encourages transit-oriented development, redevelopment and infill development and mixed-use, multi-family or affordable housing developments;

(3) Encourages collaboration between the municipality, other municipalities and public agencies of the State;

(4) Promotes the growth and use of public transportation; and

(5) Increases access to employment or educational opportunities, or both.

3. In addition to any other financing or money available to the governing body of a municipality, the governing body of a municipality may finance a transportation project, transportation improvement or mixed-use, multi-family or affordable housing development in a transportation and housing reinvestment zone by the issuance of general obligation bonds, medium-term obligations



or revenue bonds or other securities issued in accordance with the provisions of chapter 350 of NRS.

Sec. 4. 1. A transportation and housing reinvestment zone designated by ordinance pursuant to section 3 of this act:

(a) Must expire not more than 30 years after the date on which the ordinance which designates the zone becomes effective; and

(b) May include a property that is, at the time the boundaries of the zone are created, included within a redevelopment area or another tax increment area previously established pursuant to the laws of this State.

2. The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to a transportation and housing reinvestment zone designated by ordinance pursuant to section 3 of this act.

Sec. 5. 1. After the effective date of the ordinance adopted pursuant to section 3 of this act, any taxes levied upon taxable property in the transportation and housing reinvestment zone must be divided as follows:

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the transportation and housing reinvestment zone as shown upon the equalized assessment roll for the base year set forth in the ordinance in accordance with section 3 of this act used in connection with the taxation of the property by the taxing agency, must be allocated to, and when collected must be paid into, the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section:

(1) The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account for the transportation and reinvestment zone to:

(I) Pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, any transportation projects, transportation improvements or mixed-use, multi-family or affordable housing developments; and

(II) To the extent there is additional money available, provide any matching money required to obtain matching grants or other awards from the Federal Government, the State, a local government or any other source of grants or awards.



(2) Unless the total assessed valuation of the taxable property in the transportation and housing reinvestment zone exceeds the total assessed value of the taxable property in the area as shown by the last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the area must be paid into the funds of the respective taxing agencies.

(3) When the transportation and housing reinvestment zone expires in accordance with section 4 of this act and all loans, advances and indebtedness, if any, and any interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the transportation and housing reinvestment zone must be paid in to the funds of the respective taxing agencies as taxes on all other property are paid.

2. If a municipality has more than one redevelopment area created under the provisions of chapter 279 of NRS, tax increment area or transportation and housing reinvestment zone, the municipality shall determine the allocation to each agency, tax increment area and transportation and housing reinvestment zone.

Sec. 6. NRS 278C.120 is hereby amended to read as follows:

278C.120 "Tax increment account" means a special account created pursuant to NRS 278C.220 ~~or section 3 of this act.~~

Sec. 7. NRS 278C.130 is hereby amended to read as follows:

278C.130 "Tax increment area" means the area:

1. Whose boundaries are coterminous with those of a specially benefited zone established as provided in NRS 278C.150;

2. Specially benefited by an undertaking under ~~this chapter;~~ **NRS 278C.150 to 278C.310, inclusive;**

3. Designated by ordinance as provided in NRS 278C.220; and

4. In which is located:

(a) The taxable property the assessed valuation of which is the basis for the allocation of tax proceeds to the tax increment account pursuant to paragraph (a) of subsection 1 of NRS 278C.250; and

(b) If the undertaking is a natural resources project or a rail project for which the municipality has received approval from the Interim Finance Committee pursuant to NRS 278C.157:

(1) The persons from which the tax on the sale or use of tangible personal property is the basis for the allocation of tax proceeds to the tax increment account pursuant to paragraph (b) of subsection 1 of NRS 278C.250; and

(2) The employers from which the tax imposed pursuant to NRS 363A.130 and 363B.110 is the basis for the allocation of tax proceeds to the tax increment account pursuant to paragraph (c) of subsection 1 of NRS 278C.250.



Sec. 8. NRS 278C.150 is hereby amended to read as follows:

278C.150 1. Except as otherwise provided in subsections 2, 3 and 4, the governing body of a municipality, on the behalf and in the name of the municipality, may designate a tax increment area comprising any specially benefited zone within the municipality designated for the purpose of creating a special account for the payment of bonds or securities issued or loans, money advanced or indebtedness incurred to defray the cost of an undertaking, including, without limitation, the condemnation of property for an undertaking, as supplemented by the Local Government Securities Law, except as otherwise provided in ~~[this chapter.]~~ **NRS 278C.150 to 278C.310, inclusive.** The governing body of a municipality, on behalf and in the name of the municipality, may enter into a contract with any property owner in a tax increment area agreeing to pay tax increment revenues from the tax increment account created by NRS 278C.250 to such property owner for costs incurred by such owner in connection with an undertaking. Such a contract constitutes an indebtedness of the municipality for the purposes of ~~[this chapter]~~ **NRS 278C.150 to 278C.310, inclusive,** but is not a security for the purposes of NRS 278C.280.

2. The right-of-way property of a railroad company that is under the jurisdiction of the Surface Transportation Board must not be included in a tax increment area unless the inclusion of the property is mutually agreed upon by the governing body and the railroad company.

3. A tax increment area may not include a property that is, at the time the boundaries of the tax increment area are created, included within a redevelopment area previously established pursuant to the laws of this State.

4. The taxable property of a tax increment area must not be included in any subsequently created tax increment area until at least 50 years after the effective date of creation of the first tax increment area in which the property was included.

Sec. 9. NRS 278C.155 is hereby amended to read as follows:

278C.155 1. A tax increment area may be created pursuant to this section by a cooperative agreement between a city in which the principal campus of the Nevada State College is located or intended to be located and the Nevada System of Higher Education, if the boundaries of the tax increment area include only land:

(a) On which the principal campus of the Nevada State College is located or intended to be located; and

(b) Which:

(1) Consists of not more than 509 acres;



(2) Was transferred by the city creating the tax increment area to the Nevada System of Higher Education for the use of the Nevada State College;

(3) Has never been subject to property taxation; and

(4) The Nevada System of Higher Education has agreed to continue to own for the term of the tax increment area.

↪ The provisions of NRS 278C.160, subsections 4, 6 and 7 of NRS 278C.170, NRS 278C.220, subsections 2 and 3 of NRS 278C.250 and paragraph (d) of subsection 6 of NRS 278C.250 do not apply to a tax increment area created pursuant to this section, but such a tax increment area is subject to the provisions of subsections 2 to 9, inclusive.

2. Whenever the governing body of a city in which the principal campus of the Nevada State College is located or intended to be located and the Board of Regents of the University of Nevada determine that the interests of the city, the Nevada System of Higher Education and the public require an undertaking, the governing body and the Board of Regents may enter into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, which describes by reference to the general types of undertakings authorized pursuant to NRS 278C.140 and the undertakings proposed for the tax increment area, and which contains or refers to an exhibit filed with the clerk of the city and the Secretary of the Board of Regents which contains:

(a) A statement of the last finalized amount of the assessed valuation of the real property within the boundaries of the tax increment area, which boundaries must be in compliance with subsection 1, and a statement that, based upon the records of the county treasurer, no property taxes were collected on any of that property, or on any interest therein, during the most recent year for which those records are available; and

(b) A description of the tax increment area or its location, so that the various tracts of taxable real property and any taxable personal property may be identified and determined to be within or without the tax increment area, except that the description need not describe in complete detail each tract of real property proposed to be included within the tax increment area.

3. The governing body may, at any time after the effective date of a cooperative agreement entered into pursuant to this section, adopt a resolution that provisionally orders the undertakings and creation of the tax increment area.

4. The notice of the meeting required pursuant to subsection 3 of NRS 278C.170 must:



(a) Describe by reference the general types of undertakings authorized pursuant to NRS 278C.140 and the undertakings proposed for the tax increment area;

(b) Describe the last finalized amount of the assessed valuation of the real property within the boundaries of the tax increment area, and state that, based upon the records of the county treasurer, no property taxes were collected on any of that property, or on any interest therein, during the most recent year for which those records are available;

(c) Describe the tax increment area or its location, so that the various tracts of taxable real or personal property may be identified and determined to be within or without the tax increment area; and

(d) State the date, time and place of the meeting described in subsection 1 of NRS 278C.170.

5. If, after considering all properly submitted and relevant written and oral complaints, protests, objections and other relevant comments and after considering any other relevant material, the governing body determines that the undertaking is in the public interest and defines that public interest, the governing body shall determine whether to proceed with the undertaking. If the governing body has ordered any modification to an undertaking and has determined to proceed, the governing body must consult with the Board of Regents to obtain its consent to the proposed modification. When the Board of Regents and the governing body are in agreement on the modification, if any, and a statement of the modification is filed with the clerk, if the governing body wants to proceed with the undertaking, the governing body shall adopt an ordinance in the same manner as any other ordinance:

(a) Overruling all complaints, protests and objections not otherwise acted upon;

(b) Ordering the undertaking;

(c) Describing the tax increment area to which the undertaking pertains; and

(d) Creating a tax increment account for the undertaking.

6. Money deposited in the tax increment account as described in subparagraph (2) of paragraph (a) of subsection 1 of NRS 278C.250 may be used to pay the capital costs of the undertaking directly, in addition to being used to pay the bond requirements of loans, money advanced or indebtedness incurred to finance or refinance an undertaking, and may continue to be used for those purposes until the expiration of the tax increment area pursuant to NRS 278C.300.

7. The Board of Regents may pledge to any securities it issues under a delegation pursuant to subsection 8, or irrevocably dedicate to the city that will issue securities hereunder, any revenues of the



1 Nevada System of Higher Education derived from the campus of the
2 Nevada System of Higher Education whose boundaries are included
3 in whole or in part in the tax increment area, other than revenues
4 from state appropriations and from student fees, and subject to any
5 covenants or restrictions in any instruments authorizing other
6 securities. Such an irrevocable dedication must be for the term of
7 the securities issued by the city and any securities refunding those
8 securities and may also extend for the term of the tax increment
9 area.

10 8. The city may delegate to the Board of Regents the authority
11 to issue any security other than a general obligation security which
12 the city is authorized to issue pursuant to ~~{this chapter,}~~ **NRS**
13 **278C.150 to 278C.310, inclusive**, and in connection therewith, may
14 irrevocably dedicate to the Board of Regents the revenues that are
15 authorized pursuant to ~~{this chapter,}~~ **NRS 278C.150 to 278C.310,**
16 **inclusive**, to be pledged or used to repay those securities, including,
17 without limitation, all money in the tax increment account created
18 pursuant to subsection 5. The irrevocable dedication of any security
19 pursuant to this subsection must be for the term of the
20 security issued by the Nevada System of Higher Education and any
21 security refunding those securities and may also extend for the term
22 of the tax increment area.

23 9. If the boundaries of a county school district include a tax
24 increment area created pursuant to this section and the county
25 school district operates a public school on property within the
26 boundaries of that tax increment area, the county school district and
27 the Nevada System of Higher Education shall consult with one
28 another regarding funding for the operating costs of that public
29 school.

30 **Sec. 10.** NRS 278C.157 is hereby amended to read as follows:

31 278C.157 1. A municipality may adopt an ordinance ordering
32 an undertaking and creating the tax increment area and the tax
33 increment account pertaining thereto pursuant to NRS 278C.220
34 which includes provisions for:

35 (a) The allocation of the proceeds of any tax on the sale or use
36 of tangible personal property to the tax increment account of the
37 proposed tax increment area pursuant to paragraph (b) of subsection
38 1 of NRS 278C.250;

39 (b) The allocation of the proceeds of any tax imposed pursuant
40 to NRS 363A.130 and 363B.110 to the tax increment account of the
41 proposed tax increment area pursuant to paragraph (c) of subsection
42 1 of NRS 278C.250;

43 (c) The issuance of municipal securities and revenue securities
44 described in paragraph (f) of subsection 1 of NRS 278C.280; or



(d) Making a contract with any property owner in a tax increment area agreeing to pay tax increment revenues from the tax increment account created by NRS 278C.250 to the property owner to reimburse the owner for costs incurred by the owner in connection with an undertaking, which contract constitutes an indebtedness of the municipality for the purposes of ~~[this chapter]~~ **NRS 278C.150 to 278C.310, inclusive**, but is not a security for the purposes of NRS 278C.280,

↳ only for an undertaking that is a rail project in relation to a qualified project or a natural resources project, and only after approval by the Interim Finance Committee of a written request submitted by the municipality.

2. The Interim Finance Committee may approve a request submitted pursuant to this section only if the Interim Finance Committee determines that approval of the request:

(a) Will not impede the ability of the Legislature to carry out its duty to provide for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year as set forth in Article 9, Section 2 of the Nevada Constitution; and

(b) Will not threaten the protection and preservation of the property and natural resources of the State of Nevada.

3. A request submitted pursuant to this section must include any information required by the Interim Finance Committee.

4. As used in this section, "qualified project" has the meaning ascribed to it in NRS 360.888 or 360.940.

Sec. 11. NRS 278C.159 is hereby amended to read as follows:

278C.159 1. The governing bodies of two or more municipalities whose boundaries are contiguous may enter into an interlocal or cooperative agreement for the ordering of an undertaking whose boundaries encompass all or part of each municipality and the creation of the tax increment area and the tax increment account pertaining thereto. A tax increment area created pursuant to this section must be administered as provided in the interlocal or cooperative agreement, notwithstanding any provision of ~~[this chapter]~~ **NRS 278C.150 to 278C.310, inclusive**, to the contrary.

2. If the governing bodies of two or more municipalities enter into an interlocal or cooperative agreement pursuant to subsection 1, the governing bodies may, in accordance with the procedures set forth in the interlocal or cooperative agreement:

(a) Jointly take any action required to be taken by a governing body for the creation of a district by the governing body pursuant to NRS 278C.160, 278C.170, 278C.180, 278C.210, 278C.220, 278C.230, 278C.270 and 278C.280, except that each governing



body must adopt an ordinance pursuant to NRS 278C.220 in order to create the tax increment area;

(b) Enter into contracts for the undertaking; and

(c) Issue bonds or otherwise finance the cost of the undertaking.

Sec. 12. NRS 278C.170 is hereby amended to read as follows:

278C.170 1. In the resolution making the provisional order, the governing body shall set a time and place for a meeting to consider the ordering of the undertaking and hear all complaints, protests, objections and other relevant comments concerning the undertaking that are made in accordance with subsection 2. The time for the meeting must be at least 20 days after the date the governing body adopts the resolution that provisionally orders the undertaking.

2. The Federal Government, the State, any public body, any natural person who resides in the municipality or owns taxable personal or real property in the municipality, any retailer or employer, if applicable, that is located within the proposed tax increment area pertaining to the undertaking, or any representative of any such natural person or entity, may submit a complaint, protest, objection or other comment about the undertaking before the governing body. If such an entity or person desires to submit a complaint, protest, objection or other comment about the undertaking for consideration by the governing body, the entity or person must:

(a) File a written complaint, protest, objection or other comment about the undertaking with the clerk at least 3 days before the date of the meeting described in subsection 1;

(b) Present an oral complaint, protest, objection or other comment about the undertaking to the governing body at the meeting described in subsection 1; or

(c) Present the complaint, protest, objection or other comment in the manner required pursuant to paragraphs (a) and (b).

3. Notice of the meeting described in subsection 1 must be given:

(a) To all persons on the list established pursuant to NRS 278C.180, by mailing;

(b) By posting; and

(c) By publication.

4. The notice must:

(a) Describe the undertaking and the project or projects relating thereto without mentioning minor details or incidentals;

(b) State the preliminary estimate of the cost of the undertaking, including all incidental costs, as stated in the preliminary plans, estimate of costs and statements of the engineer filed with the clerk pursuant to NRS 278C.160;



(c) Describe the proposed tax increment area pertaining to the undertaking, including:

(1) The last finalized amount of the assessed valuation of the taxable property in the area, and the amount of taxes, including in any amount the sum of any unpaid taxes, whether or not delinquent, resulting from the last taxation of the property, based upon the records of the county assessor and the county treasurer; and

(2) If the undertaking is a natural resources project or a rail project for which the municipality has received approval from the Interim Finance Committee pursuant to NRS 278C.157:

(I) The total amount of taxes imposed on the sale or use of tangible personal property in the area in the immediately preceding fiscal year, based upon the records of the Department of Taxation; and

(II) The total amount of taxes imposed pursuant to NRS 363A.130 and 363B.110 on employers in the area in the immediately preceding fiscal year, based upon the records of the Department of Taxation;

(d) State what portion of the expense of the undertaking will be paid with the proceeds of securities or other allowable borrowing instruments issued by the municipality in anticipation of tax proceeds to be credited to the tax increment account and payable wholly or in part therefrom, and state the basic security and any additional security for the payment of securities or other allowable borrowing instruments of the municipality pertaining to the undertaking;

(e) State how the remaining portion of the expense, if any, is to be financed;

(f) State the estimated amount of the tax proceeds to be credited annually to the tax increment account pertaining to the undertaking during the term of the proposed securities or other allowable borrowing instruments payable from such proceeds, and the estimated amount of any net revenues derived annually from the operation of the project or projects pertaining to the undertaking and pledged for the payment of those securities or other allowable borrowing instruments;

(g) State the estimated aggregate principal amount to be borrowed by the issuance of the securities or other allowable borrowing instruments, excluding proceeds thereof to fund or refund outstanding securities, and the estimated total bond requirements of the securities or other allowable borrowing instruments;

(h) Find, determine and declare that the estimated tax proceeds to be credited to the tax increment account and any such net pledged revenues will be fully sufficient to pay the bond requirements of the



1 securities or other allowable borrowing instruments as they become
2 due; and

3 (i) State the date, time and place of the meeting described in
4 subsection 1.

5 5. All proceedings may be modified or rescinded wholly or in
6 part by resolution adopted by the governing body at any time before
7 the governing body passes the ordinance ordering the undertaking
8 and creating the tax increment area and the tax increment account
9 pertaining thereto pursuant to NRS 278C.220.

10 6. Except as otherwise provided in this section, a public body
11 shall not make a substantial change in the undertaking, the
12 preliminary estimates, the proposed tax increment area or other
13 statements relating thereto after the first publication or posting of
14 notice or after the first mailing of notice to the property owners,
15 whichever occurs first, without additional notice and a hearing
16 pursuant to this section. A public body may delete a portion of the
17 undertaking and property from the proposed tax increment area
18 without notice and a hearing pursuant to this section. A subsequent
19 final determination of the amount of assessed valuation of taxable
20 property in the tax increment area or a subsequent levy or
21 imposition of taxes does not adversely affect proceedings taken
22 pursuant to ~~this chapter.~~ **NRS 278C.150 to 278C.310, inclusive.**

23 7. The engineer may make minor changes in and develop the
24 undertaking as to the time, plans and materials entering into the
25 undertaking at any time before its completion. Any minor changes
26 authorized by this subsection must be made a matter of public
27 record at a public meeting of the governing body.

28 **Sec. 13.** NRS 278C.180 is hereby amended to read as follows:

29 278C.180 1. The governing body shall cause to be created a
30 list of the names and addresses of all:

31 (a) Persons who reside within a proposed tax increment area and
32 who own taxable property within a proposed tax increment area; and

33 (b) If the undertaking is a natural resources project or a rail
34 project for which the municipality has received approval from the
35 Interim Finance Committee pursuant to NRS 278C.157:

36 (1) Retailers located within a proposed tax increment area;
37 and

38 (2) Employers located within a proposed tax increment area.

39 ➡ The names and addresses for the list may be obtained from the
40 records of the county assessor, the Department of Taxation or from
41 such other sources as the clerk or the engineer deems available. A
42 list of such names and addresses pertaining to any tax increment
43 area may be revised from time to time, but must be revised at least
44 once every 12 months if the list is needed for a period longer than
45 12 months.



2. If notice is required to be mailed pursuant to ~~{this chapter,}~~ **NRS 278C.150 to 278C.310, inclusive**, the notice must be sent by prepaid, first-class mail, to the last known address of the person to whom the notice is being sent.

3. The mailing of any notice required in ~~{this chapter,}~~ **NRS 278C.150 to 278C.310, inclusive**, must be verified by the affidavit or certificate of the engineer, clerk, deputy or other person mailing the notice. Each verification of mailing must be filed with the clerk and be retained in the records of the municipality at least until all bonds and any other securities pertaining to a tax increment account have been paid in full, or any claim is barred by a statute of limitations.

4. A verification of mailing is prima facie evidence of the mailing of the notice in accordance with the requirements of this section.

Sec. 14. NRS 278C.190 is hereby amended to read as follows:

278C.190 1. The posting of any notice required in ~~{this chapter,}~~ **NRS 278C.150 to 278C.310, inclusive**, must be verified by the affidavit or certificate of the engineer, clerk, deputy or other person posting the notice. Each verification of posting must be filed with the clerk and must be retained in the records of the municipality at least until the bonds and other securities pertaining to a tax increment account have been paid in full and until any claim is barred by a statute of limitations.

2. A verification of posting is prima facie evidence of the posting of the notice in accordance with the requirements of this section.

Sec. 15. NRS 278C.200 is hereby amended to read as follows:

278C.200 1. Any notice required to be published pursuant to ~~{this chapter,}~~ **NRS 278C.150 to 278C.310, inclusive**, must be published in a newspaper of general circulation within the area of the tax increment area about which the notice relates at least once a week for 3 consecutive weeks. The first publication must be at least 15 days before the designated time or event, and the last publication must be at least 14 days after the first publication.

2. Publication is complete on the day of the last publication.

3. Any publication required ~~{in this chapter,}~~ **pursuant to NRS 278C.150 to 278C.310, inclusive**, must be verified by the affidavit of the person who publishes the notice. Each verification of publication must be filed with the clerk and must be retained in the records of the municipality at least until all the bonds and any other securities pertaining to a tax increment account have been paid in full, or any claim is barred by a statute of limitations.



4. A verification of publication is prima facie evidence of the publication of the notice in accordance with the requirements of this section.

Sec. 16. NRS 278C.210 is hereby amended to read as follows:

278C.210 1. At the time and place of the hearing, the governing body shall cause to be read and consider all written complaints, protests, objections and other relevant comments made in accordance with NRS 278C.170 and hear all oral complaints, protests, objections and other relevant comments made pursuant to that section.

2. After considering all written and oral complaints, protests, objections and other relevant comments that were properly submitted and after considering any other relevant material put forth, if the governing body determines that the undertaking, or a part thereof, is not in the public interest:

(a) The governing body, by resolution, shall make an order which states that the undertaking or a part of the undertaking, as appropriate, is not in the public interest and which states the reasons that the undertaking, or part of the undertaking, is not in the public interest;

(b) The public body may, by resolution and in accordance with the notice and hearing requirements of ~~this chapter,~~ **NRS 278C.150 to 278C.310, inclusive,** modify the proposed tax increment area or undertaking to conform to the order; and

(c) The undertaking or part of the undertaking, as appropriate, must be stopped until the governing body adopts a new resolution for the undertaking which conforms to the order.

3. Any complaint, protest or objection to the regularity, validity and correctness of the proceedings taken and the documents made before the date of the hearing is waived unless presented in the manner specified in ~~this chapter,~~ **NRS 278C.150 to 278C.310, inclusive.**

Sec. 17. NRS 278C.240 is hereby amended to read as follows:

278C.240 The provisions of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement related to an undertaking ordered by a governing body pursuant to ~~this chapter,~~ **NRS 278C.150 to 278C.310, inclusive.** The governing body, the developer, any contractor who is awarded the contract or enters into the agreement to perform the construction work and any subcontractor who performs any portion of the construction work related to such an undertaking shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the undertaking or had awarded the contract.



Sec. 18. NRS 278C.260 is hereby amended to read as follows:
278C.260 The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to tax increment areas created pursuant to ~~{this chapter.}~~ **NRS 278C.150 to 278C.310, inclusive.**

Sec. 19. NRS 278C.280 is hereby amended to read as follows:
278C.280 1. To defray in whole or in part the cost of any undertaking, a municipality may issue the following securities:

- (a) Notes;
- (b) Warrants;
- (c) Interim debentures;
- (d) Bonds;
- (e) Temporary bonds; and

(f) Upon the approval of the Interim Finance Committee pursuant to NRS 278C.157 for a purpose related to natural resources, as defined in NRS 350A.090, municipal securities and revenue securities purchased by the State Treasurer in accordance with the provisions of chapter 350A of NRS.

2. Any net revenues derived from the operation of a project acquired, improved or equipped, or any combination thereof, as part of the undertaking must be pledged for the payment of any securities issued pursuant to this section. The securities must be made payable from any such net pledged revenues as the bond requirements become due from time to time by the bond ordinance, trust indenture or other proceedings that authorize the issuance of the securities or otherwise pertain to their issuance.

3. Securities issued pursuant to this section:

(a) Must be made payable from tax proceeds accounted for in the tax increment account; and

(b) May, at the option of the municipality and if otherwise so authorized by law, be made payable from the taxes levied by the municipality against all taxable property within the municipality.

➤ The municipality may also issue general obligation securities other than the ones authorized by ~~{this chapter.}~~ **NRS 278C.150 to 278C.310, inclusive**, that are made payable from taxes without also making the securities payable from any net pledged revenues or tax proceeds accounted for in a tax increment account, or from both of those sources of revenue.

4. Any securities payable only in the manner provided in either paragraph (a) of subsection 3 or both subsection 2 and paragraph (a) of subsection 3:

(a) Are special obligations of the municipality and are not in their issuance subject to any debt limitation imposed by law;

(b) While they are outstanding, do not exhaust the debt incurring power of the municipality; and



(c) May be issued under the provisions of the Local Government Securities Law, except as otherwise provided in ~~{this chapter,}~~ **NRS 278C.150 to 278C.310, inclusive**, without any compliance with the provisions of NRS 350.020 to 350.070, inclusive, except as otherwise provided in the Local Government Securities Law, only after the issuance of municipal bonds is approved under the provisions of NRS 350.011 to 350.0165, inclusive.

5. Any securities payable from taxes in the manner provided in paragraph (b) of subsection 3, regardless of whether they are also payable in the manner provided in paragraph (a) of subsection 3 or in both subsection 2 and paragraph (a) of subsection 3:

(a) Are general obligations of the municipality and are in their issuance subject to such debt limitation;

(b) While they are outstanding, do exhaust the power of the municipality to incur debt; and

(c) May be issued under the provisions of the Local Government Securities Law only after the issuance of municipal bonds is approved under the provisions of:

(1) NRS 350.011 to 350.0165, inclusive; or

(2) NRS 350.020 to 350.070, inclusive,

↪ except for the issuance of notes or warrants under the Local Government Securities Law that are payable out of the revenues for the current year and are not to be funded with the proceeds of interim debentures or bonds in the absence of such bond approval under the two acts designated in subparagraphs (1) and (2).

6. In the proceedings for the advancement of money, or the making of loans, or the incurrence of any indebtedness, whether funded, refunded, assumed or otherwise, by the municipality to finance or refinance, in whole or in part, the undertaking, the portion of taxes mentioned in subsection 4 of NRS 278C.250 must be irrevocably pledged for the payment of the bond requirements of the loans, advances or indebtedness. The provisions in the Local Government Securities Law pertaining to net pledged revenues are applicable to such a pledge to secure the payment of tax increment bonds.

Sec. 20. NRS 278C.290 is hereby amended to read as follows:

278C.290 Any securities issued by a municipality for a tax increment area pursuant to ~~{this chapter,}~~ **NRS 278C.150 to 278C.310, inclusive**, must mature and be fully paid, including any interest thereon, before the expiration of the tax increment area.

Sec. 21. NRS 278C.305 is hereby amended to read as follows:

278C.305 1. Notwithstanding any provision of ~~{this chapter,}~~ **NRS 278C.150 to 278C.310, inclusive**, to the contrary, if the governing body submits to the Office of Economic Development an economic development financing proposal described in



1 NRS 360.989 and the Office approves the proposal and an economic
2 development financing agreement pursuant to NRS 360.990, any tax
3 increment area which is or may be created for the purpose of
4 carrying out the undertakings identified in the proposal must be
5 administered as provided in the agreement.

6 2. The economic development financing agreement may
7 provide, without limitation, that:

8 (a) The Office of Economic Development, the Executive
9 Director of the Office or any designee of either is authorized or
10 required to perform any function or duty that under the provisions of
11 ~~{this chapter}~~ **NRS 278C.150 to 278C.310, inclusive**, would
12 otherwise be performed by the municipality, the governing body or
13 any officer or employee of the municipality.

14 (b) Any money collected pursuant to ~~{this chapter}~~ **NRS**
15 **278C.150 to 278C.310, inclusive**, must be paid, collected,
16 deposited, distributed or remitted as provided in the agreement,
17 notwithstanding any provision of ~~{this chapter}~~ **NRS 278C.150 to**
18 **278C.310, inclusive**, to the contrary.

19 (c) It may be modified at any time by the Executive Director of
20 the Office of Economic Development, in the exercise of his or her
21 discretion and upon approval of the Board of Economic
22 Development.

23 **Sec. 22.** NRS 278C.310 is hereby amended to read as follows:

24 278C.310 1. ~~{This chapter,}~~ **NRS 278C.150 to 278C.310,**
25 **inclusive**, without reference to other statutes of this State, except as
26 otherwise expressly provided in ~~{this chapter,}~~ **NRS 278C.150 to**
27 **278C.310, inclusive**, constitutes full authority for the exercise of
28 powers granted in ~~{this chapter,}~~ **NRS 278C.150 to 278C.310,**
29 **inclusive**.

30 2. No other law with regard to the exercise of any power
31 granted in ~~{this chapter,}~~ **NRS 278C.150 to 278C.310, inclusive**, that
32 provides for an election, requires an approval, or in any way
33 impedes or restricts the carrying out of the acts authorized to be
34 done applies to any acts taken under ~~{this chapter,}~~ **NRS 278C.150**
35 **to 278C.310, inclusive**, except as provided in ~~{this chapter,}~~ **NRS**
36 **278C.150 to 278C.310, inclusive**.

37 3. The powers conferred by ~~{this chapter,}~~ **NRS 278C.150 to**
38 **278C.310, inclusive**, are in addition and supplemental to, and not in
39 substitution for, and the limitations imposed by ~~{this chapter,}~~ **NRS**
40 **278C.150 to 278C.310, inclusive**, do not affect the powers conferred
41 by, any other law.

42 **Sec. 23.** Notwithstanding any provision of sections 2 to 5,
43 inclusive, of this act, the provisions of those sections must not be
44 applied to modify, directly or indirectly, any taxes levied or
45 revenues pledged in such a manner as to impair adversely any



1 outstanding obligations of any political subdivision of this State or
2 other public entity, including, without limitation, bonds, medium-
3 term financing, letters of credit and any other financial obligation,
4 until all such obligations have been discharged in full or provision
5 for their payment and redemption has been fully made.

6 **Sec. 24.** This act becomes effective on July 1, 2023.

